

January 27, 2009



**TRANSCRIPT**  
**January 27, 2008**

**MONTGOMERY COUNTY COUNCIL**

**PRESENT**

Council President Phil Andrews

Council Vice President Roger Berliner

Councilmember Marc Elrich

Councilmember Nancy Floreen

Councilmember Duchy Trachtenberg

Councilmember Valerie Ervin

Councilmember Mike Knapp

Councilmember George Leventhal

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COUNCIL PRESIDENT ANDREWS:

Good morning, everybody, and welcome to the County Council. The County Council session is going to begin, and we're going to start with a moment of silence. So please stand and recognize a moment of silence. Thank you. We all have our colleague Councilmember Praisner in our thoughts today. He had surgery yesterday, and we wish him a speedy recovery. And we hope he will be back with us as soon as possible. We're first going to have a presentation that will be provided by County Executive Ike Leggett and myself in recognition of the Asian Lunar New Year. And the New Year began yesterday, and we are delighted to celebrate it with the representatives of the Korean-, Chinese-, and Vietnamese-American communities. And I would ask the Executive to join me up at the front as well as the representatives who are here today from the different organizations.

WOMAN:

I need one representative from each of the organizations that I read. If you are here, please come forward, one per organization. You will have a chance later for the rest of you, OK? Please go up there, yeah.

COUNCIL PRESIDENT ANDREWS:

Whoop, no. Right here, right here, right here. There you go. And let's see... OK, we can all just--we'll get close. We'll get to know each other well. This is the trickiest part. So just come on behind. 2 rows.

WOMAN:

2 rows. Sort of bunch to the front.

COUNCIL PRESIDENT ANDREWS:

All right.

WOMAN:

Here's the list.

COUNCIL PRESIDENT ANDREWS:

You got a list? OK. Excellent. OK. Yes, why don't you hand that to me?

MAN:

It's OK. Yes.

COUNCIL PRESIDENT ANDREWS:

There we go. All right. Well, it is-- one of the great pleasures of serving in county government, and I know the County Executive feels the same way, is working with all the

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different leaders and organizations in the County that do such wonderful work. And today, it is my honor to join with the County Executive in recognizing the advent of Lunar New Year, which began yesterday and which in the year 4707, I understand the year of the Ox is meant to be one that includes prosperity. And we are very hopeful that that will indeed come to pass this year. On behalf of the County Council, I would like to read a proclamation from the County, and then ask our County Executive to read the names of the organizations that are represented here today. And we have certificates from the County on their behalf. I want to recognize the great work done by our Office of Community Partnerships, Director Bruce Adams who's here today, former Councilmember who initiated Community Service Day, and Lily Qi who coordinates the work with the Asian-American community out of the office. This is a proclamation from the County, and it states: "Whereas, the Asian-American community now represents 14% of the population of Montgomery County, and whereas Asian-Americans enhance the quality of life for Montgomery County residents through their contributions in every professional field, and whereas the Lunar New Year is one of the most important holidays for numerous Asians, especially those of Chinese, Korean, and Vietnamese descent living in Montgomery County marking a time of reunion, renewal, and celebration, and whereas the Lunar New Year is observed by a great number of Montgomery County residents and affords others the opportunity to acquaint themselves with Asian customs and traditions, and whereas January 26, 2009 marks the beginning of the year 4707 in the lunar calendar, which will be celebrated as the Year of the Ox, now therefore do we, Isiah Leggett as County Executive and myself Phil Andrews as County Council President hereby proclaim Monday, January 26, 2009 as Lunar New Year Day in Montgomery County. And we encourage residents to share in the celebrations and take time to learn about the contributions that Asian-Americans make to our community." Signed by County Executive Ike Leggett and myself Phil Andrews this day. And congratulate all of the great work done by our leaders today, and I want to give them--please join me in giving them a round of applause. Thank you.

COUNTY EXECUTIVE LEGGETT:

We have a list, but I'm not going to read the entire list because we have over 40 different organizations that are listed here from a variety of--

WOMAN:

Read the ones with checkmarks.

COUNTY EXECUTIVE LEGGETT:

OK, OK. We'll go through just a couple of them just to--

COUNCIL PRESIDENT ANDREWS:

And I think each of their leaders is represented up here with us.

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COUNTY EXECUTIVE LEGGETT:

We have the Asian Pacific-American Parties Association?????, CCCACC, CCCAAA, The Chinese-American Medical Association, the Federation of Korean-American Senior Citizens Association, JG Merchant Sales and Services, Korean-American Association of Greater Washington, Korean-American Association of Maryland, the Korean-American Cosmetologist Association of America, the Korean-American Women's Chamber of Commerce, the Korean Community Service Center of Greater Washington, the Korean Society of Maryland, LOCA Maryland, MCMF, MVMA, OCA of Greater DC, US Wash Academy?????, and a variety of other organizations as well.

COUNCIL PRESIDENT ANDREWS:

You forgot this one.

COUNTY EXECUTIVE LEGGETT:

We also have the Bangladesh-American Association and the American-Chinese School, Montgomery County Korean-American Association, Korean Association Automobile Association of Maryland and Greater Washington area as well. Thank you all.

WOMAN:

We are to ask the Chinese community to come up here, take pictures with the two of you, and then the Vietnamese community and Korean community.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you.

NEIL GREENBERGER

Before anybody moves, if I could get a picture of this group.

COUNCIL PRESIDENT ANDREWS:

OK.

NEIL GREENBERGER

And can you all move a little closer together? Don't block each other. Move in even a little closer.

WOMAN:

Yeah.

NEIL GREENBERGER

OK. OK, make sure I can see your face. Don't—



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[Man speaks indistinctly]

It would be better if you're all...

[People speaking indistinctly]

NEIL GREENBERGER:

OK. OK, a lot of flashes going off. Couple more. Everybody smile. Big smile.

NEIL GREENBERGER:

Everybody good? OK.

WOMAN:

Let's have the Chinese community come here quickly. All the Chinese come. Michael. Everybody. Chinese... Chinese. If you're Chinese, go. Ha ha ha!

NEIL GREENBERGER:

Michael. Michael.

[People speaking indistinctly]

NEIL GREENBERGER:

Is this the Chinese...

WOMAN:

Yes. All right.

NEIL GREENBERGER:

OK, everybody get just a little closer together. We got all the Councilmembers there.

[People speaking indistinctly]

WOMAN:

All right.

NEIL GREENBERGER:

OK. OK. Councilmember Floreen, you're going to have to--yes, just find a space. And... OK. Here we go. A few big smiles. Looks good. Thank you.

WOMAN:



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All right. Korean community, please. Thank you. Korean community, please.

[People speaking indistinctly]

WOMAN:

Yes, go stand there. All right, let's quickly get into line. 2 rows, please. 2 rows.

COUNCIL PRESIDENT ANDREWS:

2 rows.

WOMAN:

2 rows. OK.

COUNCIL PRESIDENT ANDREWS:

OK. Make sure you move a little closer.

WOMAN:

2 rows.

COUNCIL PRESIDENT ANDREWS:

OK.

NEIL GREENBERGER:

OK, if everybody looks this way. Good space. Councilmember Trachtenberg, you're fine in the front there.

SECOND MAN:

Councilmember Trachtenberg, you may want to come closer. You are smaller.

[People speaking indistinctly]

WOMAN:

Councilmember Berliner just joined us.

NEIL GREENBERGER:

OK. OK, here we go. Got a big group.

WOMAN:

These will be in the Korean newspapers, I'm sure.

NEIL GREENBERGER:



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Couple more. Everybody look. Smile. Good. Thank you.

WOMAN:

Thank you very much. And finally, we have the Vietnamese community. It's a smaller group.

[People speaking indistinctly]

WOMAN:

OK, Vietnamese community, please. Thank you. Councilmembers, one more. Sorry. Sorry. One more.

COUNCIL PRESIDENT ANDREWS:

Good morning, everybody. We are going to resume our session, and I want to announce that the presentation that was scheduled today to recognize the Sherwood High School football team for winning the State Championship and the Sherwood High School Senior, Solomon Haile, winner of the Foot Locker national cross country race has been deferred because schools are closed today. And we will reschedule that as soon as we are able to. We're now going to move to general business. Ms. Lauer?

LINDA LAUER:

Yes, we have a number of changes on the consent calendar. There's an introduction of a resolution to approve spending affordability guidelines for the FY10 operating budget. Public hearing is scheduled for February 3rd at 1:30. MFP is scheduled to consider that on Monday, February 2nd. Legislative session this afternoon. We're deferring action on Bill 1508, Building Permit Notice. And this evening's public community forum on ways to reduce next year's budget, we've deferred that because of the icy weather conditions predicted tonight. We have it scheduled now for Tuesday, February 3rd at 1:30. Also, the Council is announcing its public hearings on the FY10 Capital Budget and amendments to the FY09-14 CIP. And that's scheduled for February 10th at 7:30 PM. We did receive--

COUNCIL PRESIDENT ANDREWS:

We have a couple comments on that, I believe. Councilmember Knapp?

COUNCILMEMBER KNAPP:

I just had a question on the schedule. Since the Council scheduled a Town Hall meeting tomorrow night and inclement weather continues to be forecast, do we--when will we make a determination so we can let people know what the outcome of that will be?

COUNCIL PRESIDENT ANDREWS:

Probably tomorrow morning.

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COUNCILMEMBER KNAPP:  
OK.

LINDA LAUER:

Right, and we'll get the message about the Town Hall meeting, then, on the website first thing in the morning. Thank you.

COUNCIL PRESIDENT ANDREWS:  
Councilmember Elrich had his light on, too.

COUNCILMEMBER ELRICH:

Yep. I know that we have a difficult schedule, but I'm concerned about moving the public forum from tonight to an afternoon, because anybody who works means they have to take off work to come to this public hearing, which guarantees that only a fraction of the people who want to participate are really going to be able to participate easily. And I think if we're looking for public input on an issue like this, we ought to have the meeting in the evening when people can come after their jobs are done and have a chance of actually showing up here. I've already seen and gotten e-mails from people saying this is a real problem, because it's either taking off a half-day of work or a day of work or not participating. And I really think this should have been an evening thing.

COUNCIL PRESIDENT ANDREWS:

I hear you. I will consider that. I hear what you're saying, and I do realize that having a hearing in the afternoon does limit who can attend. So that is a concern I share, and I'll consider whether we reschedule for an evening. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

I was just curious. How many witnesses have signed up for tonight?

LINDA LAUER:

Only 4.

COUNCILMEMBER LEVENTHAL:

4. Thanks.

LINDA LAUER:

We did receive petitions this week, a petition from residents of the town of Somerset supporting the Light Rail Transit Option for the Purple Line that utilizes the Georgetown Branch right of way. Also, we received a petition from members of the Purple Line Now supporting the Medium Light Rail Option for the Purple Line. That's it. Thank you.



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COUNCIL PRESIDENT ANDREWS:

Thank you. All right, our next item is action on approval of minutes of December 9, 2008. Is there a motion?

COUNCILMEMBER KNAPP:

Second.

COUNCIL PRESIDENT ANDREWS:

So moved by Councilmember Trachtenberg, seconded by Councilmember Knapp. All those in favor of approving the minutes, please raise your hand. That is unanimous among all those present. That would be Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Vice President Roger Berliner, Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal. They are approved. Our next item is the consent calendar. Is there a motion for approval?

COUNCILMEMBER FLOREEN:

So moved.

COUNCIL PRESIDENT ANDREWS:

All right. Second? Council--Second-- Motion--

COUNCILMEMBER FLOREEN:

However.

COUNCIL PRESIDENT ANDREWS:

Motion by Councilmember Floreen, second by Council Vice President Roger Berliner. And Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Council President. I just was requesting that we take separate action on Item C, resolution to expand the Council audit function. I think given the current economic climate that we're dealing with, that merits some additional conversation. Would like to pull that out for--

COUNCIL PRESIDENT ANDREWS:

Fine.

COUNCILMEMBER KNAPP:

Specific conversation.



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COUNCIL PRESIDENT ANDREWS:

We will pull that off the consent calendar for separate discussion and action. All right, with that, are there any other comments on the remaining items of the consent calendar? Don't see any. All right, all those in favor of the consent calendar, with the note that we are taking Item C off for separate action, please raise your hand. That is unanimous among those present:

Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President Roger Berliner, Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal. All right, we will return now to Item C, which is resolution to expand the Council audit function. Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Council President Andrews. As I think we've all witnessed over the course of the last 5 or 6 years, audits are things that kind of happen, and I think a lot of organizations took them for granted. And unfortunately, we have found, given the various economic situations that have arisen as a result I think of people not necessarily looking at audits perhaps as closely as we may want to, that there's a heightened sense of awareness that audits and the importance of audits can play. Montgomery County, I think, has a very strong track record of a very, very solid government. But interestingly, on September 26th, the Inspector General sent a letter while I was still serving as Council President making some recommendations as to how the Council could improve its audit functions. And I was wondering if we could have Mr. Dagley just take a few minutes and tell us what prompted the letter and what he thought some of the actions that the Council might take should be and why.

COUNCIL PRESIDENT ANDREWS:

Yes, please join us, Mr. Dagley, who is our County's Inspector General. Good morning.

THOMAS DAGLEY:

Good morning.

COUNCIL PRESIDENT ANDREWS:

Please remember to push the button in front of you. Thank you.

THOMAS DAGLEY:

Good morning. Tom Dagley. The review that we conducted actually started about a year ago this time, and it was simply a matter of us going back and looking at how the environment has changed at the government state and local level with regard to audits and maybe in a broader sense with regard to the governance system that governing bodies have or may want to put in place to respond to that changing environment that you talked about and that you identified. And it goes back, I think, a period of 5, 6, 7 or more



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years. Certainly, the Federal government has responded by revising the government auditing standards, recognizing some of the additional risks that have been identified and caused Federal, state, and local governments some angst with regard to not preventing some of those higher-risk programs from having controversial issues, whether they be in audit findings or whether they surface through another means.

COUNCILMEMBER KNAPP:

OK. Um... No, I thank you for that. And you're really--the reason you kind of approached this was really to look at saying the landscape has changed. And we should be looking at doing things differently to be more proactive and making sure we've got the right controls in place, not because you saw that we were doing anything bad or untoward, but basically we've seen a lot of other difficulties out there and we should try to make sure we're on top of the game, on top of our game.

THOMAS DAGLEY:

That's correct. This is--in the 3 1/2, going on 4 years that I've been the Inspector General, this is the only audit finding recommendation that I've made to the Council. Typically, those audit findings and recommendations go to operational management, who is responsible for the internal controls. Potentially, this is the most important or might have the greatest potential upon implementation to make sure that the Council, the Legislative Branch of Montgomery County Government is responding to that changing environment.

COUNCILMEMBER KNAPP:

No, thank you very much. I appreciate that. Um...I think that we need to take this--I appreciate the Council President schedule what was introduced and scheduling this as an item, because I think this is an important issue for us to address. My concern with what was introduced is what it does is it kind of codifies what the Council has already done, which, again, as the I.G. has said isn't necessarily a bad thing, but I just think that we need to look to bolster what it is that we're currently doing. I was intrigued over the weekend--because I had some spare time, apparently--I was reading through the House Appropriations Bill that was introduced on the Stimulus Package and was struck by the fact that in that package, they actually set aside an entire section to establish a whole new group to oversee just the administration of those resources to ensure that that's done well and it meets all of the ... requirements and meets the various objectives, because I think there is a renewed sense of oversight that people are trying to pay attention to that. My concern is, as a result of a meeting that took place later in October as a result of the memo that we received from Mr. Dagley, there was general agreement to try to create a specific, separate audit committee on the part of the Council that would be set up as an ad hoc committee that would meet 4 times a year that would include the Council President at that time, the Council Vice President at that time, and the Chair of the MFP committee in an attempt to try to get a renewed focus on those audit issues. And I think the important

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part of that is that if you get at least one new set of eyes every year coming to that audit function and owning that as a specific idea. And I thought that was a very good approach. And unfortunately, what was introduced, ultimately, really just codified using the MFP committee, which, again, there's nothing that's said that has been bad, but I just think as we look to move forward, we want to show that we're being more proactive. And so to that end, what I would like to do in a memo that I had distributed to colleagues, and I believe Mr. Farber had included in his packet--I would like to at this point in time substitute "the legislature of the resolution for the establishment of a County Council audit committee ..." I'd like to substitute that for what was placed on the consent calendar at introduction on behalf of the County Councils.

COUNCILMEMBER LEVENTHAL:  
Second.

COUNCIL PRESIDENT ANDREWS:  
OK, it's been moved and seconded. And I'll turn to Councilmember Trachtenberg.

COUNCILMEMBER TRACHTENBERG:  
Thank you, President Andrews. Again, I appreciate Councilmember Knapp, his interest in this, and I know that there were some conversations that took place starting in September on the role of the County audit function. I think there was certainly consensus at that time that it was an important role and something that we probably need to address by strengthening and enhancing what it is that we were doing. But I wanted to speak at this time against the substitute resolution that's proposed by Councilmember Knapp. I believe that the resolution which has been forwarded by the Council President is also a good way, if not a better way to implement a best practice. You know, the audit function from the onset, at the beginning when MFP was created many years ago was actually an integral part of the fiscal planning committee that exists still to this day. And there are a handful of best practices across a wide breadth of jurisdictions. And actually many jurisdictions don't have a fiscal planning committee. We were actually one of the first to implement it, again, a good--over 20 years ago. And I think that's important to note. In fact, Arlington, the way that they have in recent years implemented their audit function is actually with an elected auditor, which is, again, very different than what we're talking about. So, I want to make it clear that certainly there's a commitment to enhance the best practices, but there isn't necessarily a need to create a separate committee to make that happen. That's my perspective on it, and I have permission this morning to share the content of the conversation that I had very early with Tim Firestine, who's our CAO who happens to serve on the WASA board and happens to chair their Audit Committee. And he is very comfortable with the resolution as presented by the Council President. He feels that I'm right, that the audit function is an integral part of what MFP does. And there's another element here to consider as well, which is the issue of continuity, and I know the Council



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President and I agree on that, and that by allowing the audit function, the enhanced function to continue within the management and fiscal policy committee, and by adding the 2 Council officers, that we're actually allowing the new sets of eyes and ears to be present and participating, but we're also underscoring our commitment to the continuity. And one thing, again, worth noting-- something of merit--is that the audit function having been placed with MFP is actually routinely raised during the rating trips that are taken by this Council and its representatives during each year. And it is the MFP chair that typically provides the fiscal presentation. Again, in recent years, the Council President has been included in that dialogue. So, I think the continuity feature is an important factor. I, again, feel that we can certainly make our best effort to implement additional best practices. And I'm sure that we will do that. And I would ask at this time that my colleagues consider my comments as chair of the Management and Fiscal Policy committee. And I would ask that you consider that the continuity piece is really critical, not just to the function of the committee that I chair but also, I believe, is critical to the audit function and audit activities that the Council actually deliberates on and takes decisive action on.

**COUNCIL PRESIDENT ANDREWS:**

Thank you, Councilmember Trachtenberg. I just want to add that I appreciate the recommendation from the Inspector General, because I do think it is important that the Council have a committee that functions specifically as an audit committee and that is set up to meet at least a certain number of times a year, which this resolution would provide-- that the committee would meet at least 4 times a year, that it would consist, in the resolution that is before us-- not the amended one, but the one before us--that you have the MFP committee joined by the officers, the President and Vice President, who would be voting members of the committee and that the committee would be meeting as the audit committee for that purpose. That ensures that you have at least 3 and often 5 members of the County Council serving on that committee in that role, but it also provides--and I think this is a key point made by Chair Trachtenberg. It does provide continuity in the chair. And you won't, then, have the chair changing every year, which would be the case if you had an officer change it, because we change officers every year. I think there is value in having continuity in the chair of the committee, and you will have the fresh set of new eyes with a new Vice President joining the committee each year. I also think it's probably unusual that--I don't think most organizations have the chair of the organization chair the audit committee of the organization. I think if we did a survey, we'd find that's generally not the case and that there's an argument for distributing that so that the chair does not have that function in order to provide more of a check and a balance. And I think that is a virtue of the proposal as well. So I support the original item on the agenda. I think it will accomplish the goal of ensuring the Council has increased attention, focused attention to its audit function, but that will also provide continuity. I think it strikes the right balance. I will now turn to Councilmember Floreen, and then Councilmember Leventhal.



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COUNCILMEMBER FLOREEN:

Thank you, Mr. President. I have a question for the Inspector General. With respect to your memo on this matter--very helpful, and we do appreciate your advice. I think the issue of fiscal oversight is our most significant obligation here. You point out--and I'm looking at Circle 4 of our packet, which is I think page 2, your memo to us. You say about--you address the issue of membership of an audit committee. And you say-- recommend that our members have a basic understanding of government financial reporting or auditing, and at least one member should have financial experience. Now, I think the world of my colleagues and we certainly learned a lot about this in our positions as Councilmembers. I'm not sure that, uh... standing committees on their own address this issue of inherent financial experience. How would you recommend we address that issue?

THOMAS DAGLEY:

The way I would respond is that in looking at other primarily state and local government organizations that might be in that situation, what they've done is taken option where they've made sure that in addition to the permanent members that they have the financial background expertise available to them as both--in the support resources as well as--I know of county organizations that rely on residents from the community, who the Council and legislative branch represents, as ad hoc members, not voting members, but as ad hoc members to bring that expertise to the table.

COUNCILMEMBER FLOREEN:

So that would be something to think about in terms of additional engagement with the right expertise. And that's what other jurisdictions have done?

THOMAS DAGLEY:

Yes, and that's listed by the Government Finance Officers' Association and the American Institute of Certified Public Accountants as one of many options to make sure that the requirements for an effective audit committee can be met.

COUNCILMEMBER FLOREEN:

OK, thank you. I think however we proceed here, that's something to consider--

COUNCIL VICE PRESIDENT BERLINER:

Mm-hmm. Good point.

COUNCILMEMBER FLOREEN:

Because we want to have the best resources at our disposal. And certainly, we have extraordinary resources within the Council staff. But to the extent that there are resources within the community that we can take advantage of--we certainly found in the infrastructure financing group tremendous advice from folks who have a business

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background and, you know, have a full-time commitment to financial services and understanding this in a way that brings a different perspective to all of this. So, I would submit that that's something we want to keep in mind as we proceed down this path.

COUNCIL PRESIDENT ANDREWS:

Very good. Councilmember Leventhal, then Councilmember Trachtenberg.

COUNCILMEMBER LEVENTHAL:

I heard the chair of the MFP committee express a desire for consistency. Mr. Dagley, presumably you issued these recommendations because it was your impression that current practice of the Council and its committees did not provide the audit function in a manner that you felt best practices called for. And citing all of these practices and Government Finance Officers' Association and others that you felt that a change in practice was recommended for the Council, not that consistency was not your highest objective in issuing this report, am I correct?

THOMAS DAGLEY:

I'll answer it this way. The basis and foundation to make a recommendation was an acknowledgment and recognition that the fiscal programs, the budgetary decisions that go into funding 500 or more Council programs and activities each year have become more complex, not only in Montgomery County but elsewhere. The basis for the recommendation was not so much a continuity issue. It was more making sure that the Council, the legislative branch of the County had the opportunity to have the assurances that those programs were being assessed periodically, that those programs that fall into the category of higher-risk--and some of them are inherently higher-risk--that they've been identified and that steps are being taken through audits and other oversight processes to make sure that those higher-risk programs are adequately understood and that there's a prevention effort in place to make sure that the controls are strong and that the prevention allows that program and the funding that goes with it to be effective.

COUNCILMEMBER LEVENTHAL:

And in your thorough inquiry, you came to the conclusion that those periodic audits, especially of the high-risk functions were not being carried out under current practice of the County Council. Am I wrong?

THOMAS DAGLEY:

There are over 500 programs in Montgomery County government alone. There's, I think, approximately another 500 for the other Council-funded agencies, those independent agencies such as public schools and elsewhere. Collectively, I think it's accurate to say there's over 1,000 programs, when you break out the budget book, many of which fall in to the higher-risk category. Many of those have not been audited in many, many years, if at



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all. So, to the extent that there's a concern or an opportunity for the audit role and the audit process, using government auditing standards, to identify and address those higher-risk programs, that certainly was a consideration that I used in deciding to make a recommendation to the Council back in September.

**COUNCILMEMBER LEVENTHAL:**

OK, and just last point. Understanding that what you're talking about really is a financial audit and not program or policy audits. So that we do have our Office of Legislative Oversight, but we, as policymakers, tend to look to the Office of Legislative Oversight for policy recommendations, and although they may have the capability to do--in my experience here, they have not done primarily financial audits.

**THOMAS DAGLEY:**

Yes, and those would fall into what the government auditing standards would refer to as non-audit services. Extremely important, but the standards by which those would be done would be different than the standards used to conduct an audit. I'd also like to just point out that the audit committee recommendations by the Government Finance Officers' Association and others include an important role that is oftentimes not associated with audit work, and that is to periodically look at the standards and the codes of ethical conduct that a government organization has in place, and not only in place but how are they being communicated to the employees and how are they being monitored. There's also a requirement by the GFOA to examine an area that my office is more familiar with, and that is making sure that there are programs and steps in place to identify fraudulent or abusive practices and that when they are identified that they're properly communicated to those that have a responsibility to fix them. So, those are 2 additional important recommendations that are in my September letter but have a tendency, I think, to be overlooked when we talk about an audit committee just because of the terminology.

**COUNCIL PRESIDENT ANDREWS:**

Thank you, Mr. Dagley. Councilmember Trachtenberg, then Councilmember Elrich, then Council Vice President Berliner.

**COUNCILMEMBER TRACHTENBERG:**

Thank you, President Andrews. I want to make sure that we're clear about the recommendation that you provided in your memo, which was the object of great conversation when it first came out. And I can recall a conversation that you and I had privately after the memo was released to the then Council President. I don't want anyone to infer who's listening or watching that in effect your memo was suggesting that the Management and Fiscal Policy committee was not operating in an effective manner. I would clearly take offense to that, and I think what we're really talking about is simply your recommendation and your thought that by making the committee separate, it would





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provide us potentially with an opportunity to enhance the audit function, and that's very different than saying that what was going on currently within the committee was not either practical or efficient. I think your words to me were that you thought by having things separate, we'd be potentially enhancing the function. And I guess where I'm coming from, it would seem to me that after the conversations we did have with you and after reviewing the GFOA guidelines and others, there are ways to enhance the function. And by having, again, the two officers included in the dialogue, it would not only be including--or rather increasing the number of people who participate, actually a majority of Councilmembers, but there'd be that opportunity to enhance activity. I just wanted to give you the opportunity to comment on it, because I don't want anyone listening thinking that either Councilmember Knapp or any of my colleagues are inferring that somehow the committee wasn't doing its job.

THOMAS DAGLEY:

That's correct. Our purpose was not to examine the MFP committee or any of the other 5 Council committees per se. We did examine the 6 committees in relation to what the GFOA was recommending for an audit committee. And I might also take the opportunity to point out that the language, which we included in our memo, talks about establishing an audit committee "or its equivalent". That's an important phrase to make sure that everyone realizes is part of what the national or the federal guidelines recommend.

COUNCILMEMBER TRACHTENBERG:

Mm-hmm. OK, thank you very much, Tom. Also, Nancy raised an excellent point about bringing in perhaps some outside expertise. And I would agree with you, certainly given where we are with fiscal challenges that that would be a wise choice, and that would be something I'm sure that whatever formulation is chosen by this body, the Office of Legislative Oversight provides support for the audit function. It's important to state that for the record, again, for those that are listening this morning. But it would seem to me that it would be an opportunity to allow the outside assistance to come in and to get OLO to really work with us aggressively to make sure that we've got expert advice and opinion. And there is no shortage of that here in Montgomery County.

COUNCIL PRESIDENT ANDREWS:

Thank you both. Councilmember Elrich.

COUNCILMEMBER ELRICH:

I don't think any Council committee meeting one day a week or maybe two in addition to their additional meetings is going to effectively examine 500 or 1,000 programs in Montgomery County. And I just think that it flies in the face of reason that there's a simple solution to the kind of audits that you're calling for by having several members of the Council reconvene as yet another committee and attempt to do what I think you've laid out

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as a rather daunting task. I think a lot of us would agree that there's a need for a lot more oversight of programs and spending, and I certainly think that that's correct. But I don't think another committee on this Council is the way to go about doing that. And if the Council wishes to expand some of the questions that the MFP committee looks into, the Council should do that. But if the Council wants to get into the area that you're talking about, then it seems to me we ought to take a slightly different approach and put together the kind of expertise that's needed and create a group that does the kind of audits. Though it strikes me that--is that really the Council's function to do those audits, or is that an Executive function to do those audits? And one of your--I think it was one of your reports that focused on program monitoring in--I think in HHS? And it strikes me that that there is where we need the greatest degree of attention is oversight of the programs we run. And it seems to me that ought to be housed over in the administration, that there ought to be adequate staffing and adequately trained people who can analyze what we're paying for and whether or not what we're paying for is working as well as looking at the procedures you're talking about. But I do not believe for a second that another committee of the Council is going to make a significant contribution to the depth of what you're talking about. I mean... Can you see us doing this? What kind of time commitment would people have to make to make that a meaningful exercise?

THOMAS DAGLEY:

The premise of the September letter, at least the intent of it, was to acknowledge that the risk-assessment work, the audit work would not be done by the Council. It would be for an audit committee to ensure that that work is completed and that the higher-risk areas are identified, that they're well understood for why they are higher risk, and that someone, including an office of the I.G., is devoting and dedicating resources to those areas that should be audited periodically, even if something doesn't surface on a short-term basis.

COUNCILMEMBER ELRICH:

But the MFP could certainly perform that function of making sure those audits were done in identifying high-risk areas without creating another committee, because they're not the ones that are going to do the research. The research is going to be done by people with actual expertise in this area.

THOMAS DAGLEY:

As I would see it, whatever the committee makeup would be, it would have the benefit of examining a risk assessment that's been presented to them by qualified professionals.

COUNCILMEMBER ELRICH:

Thank you.

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Thank you both, and I would note there are good points there about the fact that we have an office in the Inspector General, which performs a crucial function for this County which has done some excellent work in a number of areas, including most recently looking at the problems with the Disability Retirement System. We have an Office of Legislative Oversight that we task with different reviews of programs, and the proposal before us would bring more eyes to that general oversight goal and continue to strengthen it, because it is a crucial function of the County. I'll now turn to Council Vice President Roger Berliner, and then Councilmember Knapp.

**COUNCIL VICE PRESIDENT BERLINER:**

Mr. Dagley, I appreciated your clarification that--ahem-- your report, of course, predated both of these resolutions-- correct--and in fact was the cause of coming forward with both of these resolutions. Would you--are you comfortable that--and as you observed, it was either a separate committee or "equivalent" to a separate committee. Is that correct? Would you agree that the underlying resolution which has the MFP committee maintaining its historic role under the chair's leadership with the Council President and the Council Vice President acting ex officio meeting 4 times a year is an equivalent structure?

**THOMAS DAGLEY:**

Rather than express an opinion on one or the other, I think it's--my role, as I see it, is to emphasize and re-emphasize the goals that we would want to achieve through an audit committee or its equivalent. I think to express an opinion on one or the other would be only that--an opinion, and it would be more prescriptive, and it would take a recommendation like ours back in September to another level that would perhaps not serve the Council well, where its independence might be--might not be as intact as I hope I can retain and keep it to be that way. So I think both of them can work. As the phrase often goes, "The devil can be in the details." And a lot of the success of an effective audit committee is dependent upon the way in which its implemented.

**COUNCIL VICE PRESIDENT BERLINER:**

Thank you, Mr. Dagley. I'll just share with my colleagues that I perceive the underlying resolution to be equivalent to that, which the Inspector General had asked for. I do think the MFP committee is by definition our fiscal committee. It is the committee that has the most expertise, and the chair of that committee is charged with having the most expertise with respect to that, not the Council President, whoever that may be. And I think that we'd be much better served by having--vesting this fundamental responsibility with the chair of the MFP committee, aided by the Council President and Vice President, meeting 4 times a year. I think this resolution does convey the seriousness with which we are going to act on this issue and is equivalent to that which you had spoken of earlier, so I just think institutionally we're much better served by the underlying resolution.



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COUNCIL PRESIDENT ANDREWS:

Thank you, Council Vice President Berliner. Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. I appreciate the comments everyone has raised this morning, and I particularly appreciate it because I think this is an issue that is much more important than just something that would have shown up on our consent calendar and we would have raised our hands and would have moved on. So I appreciate having this discussion very much. In response to just a couple of the comments that are out there, first, I appreciate Mr. Elrich's comments as it relates to the difficulty in providing really the broad oversight that an audit function needs to be done. I would, however, submit that I think that the charter gives the ultimate fiduciary responsibility to the Council to make sure that that is done. So I think it's important for us to have that independence of County government to make sure that, either as a body, as a committee, or as having an independent group providing that to us and we're reviewing that. I think that rests with us. Second, as it relates to the element of continuity, one of the things I thought was good about the initial resolution that had reached some consensus at the point we all talked about it, which is what I included in my package, that was the reason for making sure the MFP committee chair was a part of that committee to make sure you had that continuity. And I think that's important to make sure we have some of that continuity, while at the same time I think it's important to make sure we have new sets of eyes and make sure that people who aren't generally accountable for looking at that audit function now for the time when they're in leadership position, having that new sense of accountability and responsibility. I appreciate what the Council President indicated that the notion that the Council President doesn't typically serve on both head of an audit function and head of a body are a little unique in that we have a rotating chairmanship here. But I think that to that point, I would make one modification to the substitute that I put in there, and rather than having the Council President serve in that function or the MFP committee chair, to actually have the Council Vice President who--we all know Vice Presidents are looking for some element of responsibility. In fact, we have at the national level right now Vice President Biden looking to figure out how his roles and responsibilities are defined, and I know that Councilmember Berliner is looking to make sure that he has a strong portfolio. And so I would make the recommendation that to change--not necessarily the Council President serve as the committee chair but have the Council Vice President serve in that capacity to address the issue that the Council President has raised. But I think that one of the things that I would point to, and this is the part that concerned me the most. In the resolution that was initially drafted, in the action section, under the creation of what was originally agreed upon by people, it says "the Council must establish a Council audit committee to strengthen the Council's independent review and oversight of financial reporting, management, control, of audit activities." In what was introduced, the function, it says "The MFP committee must continue to oversee the Council's independent review



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and oversight of the County's financial reporting, management, control, and audit activities." And that concerned me, because the letter that came from the I.G. indicated that we needed to take measures to strengthen our activities. In the resolution of what we put forward in the original document, we said we wanted to do that. We had not indicated any intent of strengthening, and we haven't really modified much of anything in what we're actually putting in the resolution that's in front of us right now. And so I recognize that there will be movement to try and make that change, but I think it's important that--and I think that's kind of the underlying premise that what was originally drafted was really done as something to strengthen, do something outside of what our current practice and activities are. And I think what I submitted as a substitute does that. I think what we actually have before us as the underlying consent calendar agenda item really just kind of codifies what we're doing, and to some degree it's business as usual, which wasn't bad, but we are in different times and we're trying to deal with different measures, as I think the I.G. has correctly pointed out. And I think it's important for us as a body to really step up to the plate and say we're taking that next step and really taking our audit activities to the next level. And so I appreciate everyone's consideration of this, and I conclude my remarks.

COUNCIL PRESIDENT ANDREWS:

OK, well, that's a good point. And I agree, the goal is--I think we all agree the goal is to strengthen, so would you like to make an amendment to say that the MFP committee must continue to strengthen the Council's independent review? I think that's a good amendment.

COUNCILMEMBER KNAPP:

Right. I would vote on the substitute--

COUNCIL PRESIDENT ANDREWS:

All right, fine. OK.

COUNCILMEMBER KNAPP:

It actually addresses it better.

COUNCIL PRESIDENT ANDREWS:

All right, let's address--I think we're ready for voting on the substitute and then we can come back to that. All right, all those in favor of the substitute motion proposed by Councilmember Knapp and seconded by Councilmember Leventhal, please raise your hands. OK, that is Councilmember Floreen, Councilmember Knapp, Councilmember Leventhal. All those opposed? That is Councilmember Elrich, Councilmember Trachtenberg, myself, Councilmember Berliner, and Councilmember Ervin. The motion fails 5-3. All right, well, I--taking up on the good suggestion by Councilmember Knapp, I



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will move that we modify the language in the underlying resolution to say "The MFP committee must continue to strengthen the Council's independent review and oversight," because I think that does better express what we're going to do. Is there a second?

COUNCILMEMBER TRACHTENBERG:  
Second.

COUNCIL PRESIDENT ANDREWS:  
OK. All right, seconded by Councilmember Trachtenberg. No objection, I assume? OK. That amendment is adopted. Councilmember Elrich.

COUNCILMEMBER ELRICH:  
I guess what I'd like is for the MFP committee, when this is enacted, to come back with a plan for how it will be strengthened, so we just don't say we want to see this thing strengthened, but we come back with a plan for how it will be different than it is now.

COUNCIL PRESIDENT ANDREWS:  
OK.

[Man speaks indistinctly]

COUNCIL PRESIDENT ANDREWS:  
Very good. I'm sure they will do that. Councilmember Floreen.

COUNCILMEMBER FLOREEN:  
Yes, in that plan, if we could follow up on a recommendation for perhaps--I don't know how you do it this way, but ad hoc financial leader in the community who can provide some advice--who would be available to be a resource in conjunction with Council staff. I think that would be a tremendous advantage. So if we could include that in the expectation, I think that would be great.

COUNCIL PRESIDENT ANDREWS:  
OK. Our final comment from Councilmember Trachtenberg, and then we'll vote on the resolution.

COUNCILMEMBER TRACHTENBERG:  
Mm-hmm. I believe from conversations that I had with our senior staff that no matter what we had done with the resolutions today, the intent was to actually have one of those quarterly meetings before the budget was transmitted to us in mid-March. So, I'm sure that both the points raised by both my colleagues can be addressed, and I'm sure we'll provide--I will--a memo to my colleagues to outline what was discussed within the audit

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committee, but clearly the steps that can be taken to ensure a lot of what has been described today as being beneficial and also important to the process.

**COUNCIL PRESIDENT ANDREWS:**

Thank you very much, and we'll now vote on the resolution. All those in favor of the resolution as we amended it, please raise your hand. That is Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Ervin, and Councilmember Leventhal. All opposed? Councilmember Knapp is opposed, so that is 7-1. It is adopted, and we will now move on to-- Thank you, Mr. Inspector General. We will now move on to the Council recommendations on the Purple Line, which is our sole item for the remainder of this morning's session, and I will turn to the the Chair of the T&E Committee, Councilmember Floreen, for her summary of the recommendations of the committee.

**COUNCILMEMBER FLOREEN:**

Thank you, Mr. President. We've got a collection of books in purple here today. That is a purple tie. Mr. Orlin--for some reason, though--has abandoned the team color.

**COUNCILMEMBER TRACHTENBERG:**

He's tired.

**COUNCILMEMBER FLOREEN:**

He's trying to get a seat at the table. We really did not have a lot of debate at the T&E Committee meeting on this. What I wanted to say to my colleagues here is that what we have had is a tremendous series of communications from the community on this. We have had a lot of in-depth debate. We have observed. We did not hold a public hearing, as you know, but we paid very close attention to all the information that was conveyed to the state and to the Planning Board, and there is a very excellent Park and Planning memo on the subject of the Purple Line attached to your packets here where the details of the Draft Environmental Impact Statement are analyzed in considerable detail. I just want to, again, make a few comments. Mr. Madden is gonna take us through the project, and then we'll go to the Committee recommendations. First point just to be remembered is that the point of the Purple Line is to achieve faster and reliable transit service in the corridor between Bethesda and New Carrollton. That's the main objective of all of this conversation. The Committee was especially attentive to the concerns that we heard with respect to the preservation of the Capital Crescent Trail, and we will talk about our specific recommendations later in the morning, and we paid particular attention to the issue raised in Silver Spring with respect to whether or not there should be a tunnel through downtown Silver Spring, and you will see our recommendations on that, as well. The issue for the whole Purple Line initiative is to achieve faster and more reliable service, and those are kind of the standards by which the state and, really, by which the Committee was



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analyzing what we heard from everyone. Finally, I'll just note, on Circle E, we had a memo from the County Executive on the subject, and you'll see on Circle E his description of his exchange with the Secretary of Transportation with respect to finances. We did not get into that in committee, except I will note, in a nutshell, what the County Executive had heard from the Secretary and what we've confirmed is that, to the extent feasible, the state will pick up the tab for the project. At least the county will not be expected to own and operate. This will not be a county-owned-and-operated system. So, with that, I'm gonna turn to Mr. Madden and have him take us through this. I think if people have questions, they should just chime in as we go along.

MIKE MADDEN:

That would be fine. Good morning. I'm Mike Madden from Maryland Transit Administration, and it is the state that's carrying out the Purple Line study. With me are 3 of our consultants--Monica Meade from PB; Joe Romanowski, one of our engineers from RK&K; and Mike Flood from PB, also.

COUNCIL PRESIDENT ANDREWS:

Good morning.

MIKE MADDEN:

We just wanted to go over some general information on the project actually pertaining specifically to Montgomery County and then talk about some of the areas of concern that we heard discussed last week with your committee and then also the previous week with the Planning Board, and, again, please feel free to interrupt us and ask questions anytime. Just to refresh your memory, the project is 16 miles from Bethesda to Silver Spring. It will be either light rail or bus rapid transit. The project does include as an integral part of the project from Bethesda to Silver Spring the permanent Capital Crescent Trail, that is if the Georgetown Branch right of way alignment is selected. Right now, we are studying up to 22 station locations. We've made it very clear that those are not set in stone at this point. There certainly can be some that are dropped. There could be some that actually move a little bit, but we'll be carrying out a more detailed analysis of those as the next step initiates, so after the preferred alternative is selected. Next just shows the Purple Line in terms of its connections to the Metrorail system, which is one of its major benefits. One of the major purposes is to bring a lot more people that don't have access to the Metrorail system easy access by way of the Purple Line, and, in fact, our ridership estimates show that at least 40% of the people using the Purple Line also use a portion of their trip on Metro, and we do make very good close connections at Bethesda, at Silver Spring, at College Park to the Green Line, and then the Orange Line at New Carrollton. The next slide just talks about some of the benefits of the project. In terms of ridership, we're talking in the neighborhood of 68,000 daily transit trips for the high LRT option. For the medium LRT, it's in the neighborhood of 62,000 daily transit trips, and this is all projected out to the



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year 2030. Cost-effectiveness we talk about because that is one of the key criteria that the Federal Transit Administration uses when they evaluate a project. It is not really a cost-benefit analysis, but it's just a benefit to riders, compared to the capital and operating cost. That is something that has received a lot of discussion recently, and right now, this is the rule of the game in terms of any project has to pass a certain threshold in terms of cost-effectiveness, but that's under the current administration, and there's the possibility that that could change or, you know, be revised in the future. In terms of light rail, when we look at that compared to BRT, we do know that the capacity of the buses and the light rail vehicles is something that needs to be considered very importantly. Maximum capacity of buses, we are assuming 140. I think Park and Planning has assumed in the neighborhood of 100 to 120 capacity per bus. In order to meet the ridership levels associated with the BRT options, which were less than the light rail options, we did have to introduce what's called tripper service. We assume a peak headway of every 6 minutes for the light rail and BRT, but for the BRT option, in order to meet those ridership levels, we had to introduce additional tripper service in order to accommodate the ridership levels, and one of our basic conclusions--and this was reaffirmed by the Park and Planning staff--is that light rail, since it has larger capacity, has more capability in terms of meeting future demand on not just our current projections for 2030, but beyond and also, certainly, if projections turn out to be higher than expected. In terms of funding, one thing that we wanted to make sure the Council is aware of is that this project needs to be considered in terms of funding alone and it should stand on its own merits and not just based on the current financial situation, which, of course, is difficult for the state and everybody else. Maryland does have 3 New Starts project. Each one will be evaluated and judged in terms of what is the best solution for each one of those, and it's our job to try and find a way to fund those. As far as New Starts projects are concerned, right now, the New Starts program currently is used largely to limit the number of projects that are funded, and, of course, cost-effectiveness factor is one of the ways that they do that. Right now, projects would be able to receive up to 80% federal funds for the project, but, in fact, the current administration's policy--well, up until a few days ago--was to limit that, in terms of federal share, to 50%. The only thing we point out is that that could change in the future under a new administration and go beyond the 50%, but that's what we're currently operating under in terms of a funding assumption. In addition, the project justification right now is so heavily dependent on the cost-effectiveness. That is something else that could change some in the future, with more weight given to things like land use and economic benefits. Just wanted to bring to your attention the extensive public involvement outreach that MTA has carried out, actually beginning back in 2003 with our public scoping, and we've had a number of large public open house meetings, a number of rounds of those along the corridor. We also have had well over 150 meetings where we've been out to meet with community associations, civic groups, other elected officials throughout the study process, and in addition, we established early on a community focus group program in which we had 8 different focus groups which were very much concentrated on specific segments of



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the project, and that was intended to learn the concerns and the views of the neighborhood, you know, adjacent to the project. We held 5 rounds of those, and actually, some of those will continue into the next phase. Certainly, when we're talking about Bethesda-Chevy Chase area and Silver Spring area, those are areas that we will continue to come out to the communities to talk to them. As far as support for the project, we've heard already a lot of support from both counties, and there certainly appears to be moving towards a consensus of the medium light rail transit as the locally preferred alternative. Certainly, we've heard that loud and clear from Prince George's County, also the City of Takoma Park and the City of New Carrollton and College Park. A number of many state elected officials have also expressed that in addition to Montgomery County Executive and the Planning Board. Next are just a list of some of the organizations, some of which--like the Sierra Club, Chesapeake Bay Foundation, 1000 Friends of Maryland--are very broad-scope organizations, so it's not just organizations within this corridor, but even well beyond, that are very supportive of the project and, in particular, of the light rail transit as the preferred option. Yes?

COUNCIL PRESIDENT ANDREWS:

Couple lights that are flashing right now. Do you want to hold off?

COUNCIL VICE PRESIDENT BERLINER:

I'm happy to wait until Mr. Madden concludes.

COUNCIL PRESIDENT ANDREWS:

All right. Can we wait? Good. OK.

MIKE MADDEN:

Sure. OK.

COUNCIL PRESIDENT ANDREWS:

Go ahead.

MIKE MADDEN:

In addition, as far as public support is concerned, we held 4 public hearings back in November. We had over 750 people attend those hearings. As far as the oral testimony is concerned, 80% of those favored the project. 50% specifically mentioned a preference for the light rail alternative, as opposed to roughly 7% expressing support for a BRT option. Up through today, we've received close to 3,000 comments, either submitted by the web site or e-mail or the U.S. Mail. We have not had a chance to go through many of those at this point yet. In terms of what we heard from the public, the focus of opposition that we've heard in terms of use of the Georgetown Branch right of way has come from the town of Chevy Chase and Columbia Country Club primarily. We've also heard a good bit of

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concern in terms of the downtown Silver Spring and East Silver Spring areas, also. As far as Montgomery County is concerned in terms of the stations, first of all, it would make a direct connection into the Bethesda Metro station as a result of the county's project to provide for a new southern entrance. There would be a station, if it's on the Master Plan alignment, at Connecticut Avenue, just on the east side; one in the Lyttonsville area at Lyttonsville Place, 16th Street and Woodside, the Silver Spring Transit Center itself, where the Purple Line would be one level up above the Metro and the MARC platforms; and then, if it is the medium option on the surface through downtown Silver Spring, there would be a station along Fenton Street at the new Silver Spring Library that the county is planning right now, a station. Right now, we have one on Wayne Avenue at Dale Drive right in the area of the school, one on Wayne Avenue just beyond Manchester Place near Plymouth where, for the light rail alternative, it would go into a tunnel because of the grade there. There would also be one in the area of Long Branch, and then out on University Boulevard in between Piney Branch Road and Carroll Avenue, there would be a station and then also one at the county line at the crossroads of Maryland 193 and Maryland 650 where the Langley Park Transit Center is planning to be built. Again, emphasis that these locations are not final. We have a lot more details to carry out in the next phase in terms of the design and the location and the types of facilities and all that would be accompanied at those stations. Obviously, we've heard from the Planning Board. In terms of their recommendation to drop Dale Drive, that certainly could be done. We would like to design the system so that, at some later time, a Dale station could be provided for because we do know that, being out in the community, it seems somewhat divided because there is a good bit of support, actually, to provide a Dale station, a Dale Drive station. In terms of the original Georgetown Branch Transitway, we just wanted to point out that the Purple Line today is much different than the Georgetown Branch Transitway, which was studied back in the 1990s, it was, which, at that time, that project was mostly single track. The ridership numbers were just so much lower in terms of serving only up to 20,000 daily riders. Now we're talking about over 60,000 daily riders, a lot more cars taken off the road, also. Some of the issues we wanted to point out in terms of Jones Bridge Road alignment, unfortunately, the travel times are a good bit slower than the Master Plan alignment, where you have pretty much of an exclusive right of way. That ends up to mean that the ridership numbers are less. The other thing is that it takes people first to the NIH National Naval Medical Center area and then down to downtown Bethesda, and what that means is that the larger, more important market towards the downtown Bethesda CBD is actually penalized by having to go out of their way before they reach their destination in terms of when you look at the larger markets. In addition, we do expect traffic to grow as a result of BRAC and just as a result as we go in towards the year 2030 and we do find it very difficult to implement the transit signal priority on Jones Bridge Road itself, especially at Rockville Pike and Connecticut Avenue. Next, we just wanted to emphasize that while the land use forecast that we used to generate our ridership numbers that we have currently did not include differences because of the increases because of BRAC, we have gone



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back to take a look at that--what does BRAC mean to our ridership numbers, what does it mean to the Purple Line--and our assessment is that out of the one million annual visitors, we've looked at where those would be coming from. We would not expect it to result in any more than roughly 150 rides per day or BRAC employees themselves in the neighborhood of only about 100 riders per day that would be able to use the Purple Line, mainly because of where people are coming from to that employment center. As far as BRAC is concerned, State Highway, of course, has worked very closely with Montgomery County. There are roadway improvements, intersection improvements that are being evaluated in addition to a new underground pedestrian connection under Rockville Pike that would go from NIH over to the Naval Medical Center. Comparing the two markets, employmentwise for NIH Naval Medical Center, the current employment is in the neighborhood of 26,000. That will increase up to over 32,000 in the year 2030. Population is only about 1,600. That will also increase up to around 2,300. Compared to the Bethesda CBD, the employment is larger, and the population is way much larger. You just have a lot more residences, and when you're looking at transit, you want both employment and residential in terms of generating ridership, and our conclusion, which was also reaffirmed by Montgomery County's BRAC coordinator, is that the BRAC impacts should not influence the decision in terms of which alignment, the Georgetown Branch right of way or the Jones Bridge Road alignment, would actually be selected. The next slide shows just the half-mile walking distance beyond these two areas, and if you look at the purple one, there's a lot more development in that area, obviously, than the Medical Center area. Again, it's mostly because of the number of residential units in this Bethesda CBD, as opposed to the one in NIH and Naval Medical Center. We also heard some comments about the greenhouse gas emissions. We did look at that. There are very minor differences when you look at BRT and LRT. Some of it has to do with the fact that the BRT emissions would be more localized, where LRT would primarily occur at a power plant, 60% of which is currently coal-operated, so there would be some larger increases in terms of gas emissions associated with the light rail and with BRT, also. The differences are very minor, and our focus is the fact that for the light rail options, if you're reducing more vehicle trips, up to 20,000 cars, than you are for BRT, in the end, you're gaining. You're doing better in terms of emissions. And next, we're going to focus on the Georgetown Branch Transitway, where the Capital Crescent Trail would be built. We have worked very hard to improve the plans, both of the transitway and the trail, to make sure that they are compatible next to each other. One of the things we have done is to provide a landscape buffer between the transitway and the trail. In addition, for most areas, we were able to provide a vertical separation with the trail actually sitting up higher 3 to 4 feet above the transitway, and in addition, we would be providing--Besides where we have noise walls or retaining walls, there would also be fencing between the transitway and the trail. As far as the Capital Crescent Trail, the permanent trail, is concerned, we do feel that it is important to have the trail continue through the tunnel in addition to having the surface route on Bethesda Avenue, a project which the county has on hold right now but which

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eventually will be built by the county. Couple of the design changes that I mentioned came as a result of being able to relocate the trail to the north side between Pearl Street and just west of Jones Mill Road. That led us to put the trail on the more natural lay of the land and also, in most cases, a little bit higher elevation than the transitway and also allowed us to provide more of a buffer in between the transitway and the trail, which we think goes a long way to improving the experience of the hikers and bikers on the trail. Next, we just show some examples of where light rail, in some cases, they are built on grass tracks. That is something that we have proposed to the community, and community seems to like that idea of building where we are on the Georgetown Branch to build the transitway, if it's light rail, on grass tracks. There are a lot of examples where these kind of things exist right next to trails, and, in fact, a lot of cases, there's little or no separation between the transitway and the trail. Next, we have some renderings taken from our video. In this case, it's in the Bethesda area at Sleaford Road. This is one of the locations where we have a formal access point to the trail. We have heard from the community, obviously, that it is important to have as much access to the trail as possible, and that's what we've tried to provide for. You know, we've identified those locations where we know we can have access points, but we'll continue to look at that to see if we can increase the access to the trail. In this case, at Sleaford Road, the trail is underneath the transitway and the trail to get access to the other side. And then, this is the rendering in the area of Chevy Chase, again showing the landscape buffer between the trail and the transitway. In this case, the trail is a 10-foot paved trail with at least two-foot shoulders on it. In this case, also, the trail is a little bit higher elevation than the transitway would be. These are the formal access points that we have already designed and included along the right of way, and we've heard that there is an interest to add some additional locations. We will continue to evaluate that. Right now, most of these formal access points, in some cases, are places where the county has right of way and we have room to provide ramps for ADA accessibility, but there are other places where we can look at other access points, some of which would probably be at grade, such as in front of the Riviera, that we have today. There has been some recommendation in terms of the MTA evaluating diesel-electric light rail vehicles with the objective of possibly reducing the cost and also of eliminating the overhead wires. We have looked at that a little bit, and we don't have any concerns in terms of continuing to evaluate that. We do point out what the current technology is out there today, and we do have a couple of concerns in terms of if we were to choose that alternative right now, we know that these kind of vehicles are not able to handle some of a smaller radius of curves. They're not a low floor, which the light rail vehicles that we're planning to use would be, so there are some concerns in that area. While there would be a savings in capital cost because of not having to build the catenary and the power substations, the maintenance costs seem to be higher because of the generator aboard, and they also accelerate slower than the light rail vehicles that we have in mind at this point. So, there are, right now, some concerns in terms of the technology of these kind of vehicles that are out there today, but we'll continue to monitor that, keep that in mind as

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we go forward. As far as the potential noise impacts are concerned, we have included on the Georgetown Branch right of way noise walls 3 to 4 feet to mitigate the noise down at the track and the wheel level. We also would include vehicles that have skirts on them, which further reduces the decibel level of the noise. The bottom line is that on the Georgetown Branch Master Plan alignment, we would not increase the noise, not have noise impacts because of the design that we've provided for at this point. There would be noise impacts in the maintenance yard, and we would mitigate those by noise walls in that area. In the East Silver Spring area, just wanted to go back and make sure you're clear on the high investment light rail transit, as opposed to the medium investment on the surface. As the Purple Line leaves the CSX corridor, we are not able to get down in a tunnel until we get well beyond the transit center which would be at Silver Spring Avenue. That's where it would enter a tunnel. It would go under Georgia Avenue along Silver Spring Avenue, and then, if it's on the Wayne Avenue alignment, it would come up to surface on Wayne Avenue just a little bit beyond Cedar Street, and, in this case, there would not be a station at the County Library site on Fenton Street, which we actually think is an important station, especially when we look out into the future, and then once the high investment leaves the tunnel just east of Cedar Street, it would be in dedicated lanes. The only way to provide that is to take a lane of traffic away from Wayne Avenue. Out of the 4 lanes, 2 would be dedicated, and what this does is, it does cause increased traffic congestion problems on Wayne Avenue because eliminating a lane of traffic, all the on-street parking that exists today would have to be removed during the entire day permanently along Wayne Avenue. Traffic would degrade, in terms of the level of service, at the intersections at both Dale Drive and Sligo Creek Parkway, and in addition, there would be impacts to residences because of providing for the turn lanes and then also more serious impacts because of the tunnel portal located just east of Cedar Street. If we go to the next slide, this shows that up at the top is the low investment that would come down Second Avenue and continue on Wayne. The one in the middle is the medium light rail transit option that would extend beyond the Silver Spring Transit Center and then on the south side of Bonifant Street, go across Georgia Avenue at grade, move over into the north side of Bonifant Street, and then go into the library site. Bonifant Street itself would either have to be one-way with parking or two-way without parking on that portion of Bonifant between Fenton and Georgia Avenue, and then continuing east, the project, for the medium light rail, would be in shared lanes along Wayne Avenue, except at the signalized intersections, where we would provide additional left-turn lanes, and actually, that improves the traffic over the no-build option on Wayne Avenue. The next slide shows the longer tunnel that's been talked about and that we have been requested to study, which is the tunnel that goes beyond Cedar and actually goes up along Wayne Avenue to the area of Mansfield. A couple of the concerns we have with that has to do with the impacts associated with that tunnel portion. As you can see on the left here, Mansfield, that would have to be a cut-and-cover section along the street on Wayne Avenue, and then it would go into a portal area. That portal area means that we have to widen the right of way a lot from Mansfield



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Road up to Sligo Creek in the neighborhood of 80 to 82 feet, as opposed to its current width of 48 feet. In addition, from Sligo Creek up to Manchester, the next road, the right of way would be in the neighborhood of 68 feet. Also, the 3 or 4 houses that you see just below the purple track line there, which is the portal area, access to those 3 houses would be very difficult because of the walls of the portal sitting there in front of their house. They'd only be able to go right in and right out of those houses on the south side of Wayne Avenue. In addition, there's significant impacts to the area to the north, which is the school and the ball fields. The ball fields actually are owned by Park and Planning Commission, so it's a 4(f) impact in addition to the smaller park closer to the creek. That would be impacted, also, and this is all because of the walls and the additional right of way that would be needed because of a portal in that area, and that's the main reason why we have not recommended that option. The next-- Somewhere, we do identify-- In a couple slides, I think, we do identify the different cost in travel time. The tunnel from the Silver Spring Transit Center out to Cedar has a travel time in that area of 6 minutes. You're saving very little, 0.6 minutes, if you extend that tunnel longer to the area of Mansfield, and you're increasing the cost, and we think you're increasing the impact to the community quite a bit for that longer tunnel option. If we go back to the slide on the medium LRT, in this case, after the project has a station just above the MARC and Metro platforms, comes down to grade at Bonifant Street, as I mentioned, and continues on grade all along Wayne Avenue. Right now, we have a station at the library site, which would be integrated into the design of the library and the residential development. We also have a station at Dale Drive which could be eliminated and provided for in the future if we needed to. This option, actually, although the light rail would operate for close to a mile in shared lanes with the traffic, it does improve the traffic operations. One of the concerns we've heard from the public is a concern about additional cut-through traffic. We think this option would make it so that should not be a significant concern in terms of cut-through traffic because the level of service is actually improved over the no-build alternative at the signalized intersections where we would provide the additional left-turn lanes. In addition to the left-turn lanes, we would be able to provide parking during off-peak periods on Wayne Avenue. That actually takes place today. Transit operations would work reasonably well, and the impacts to the community are greatly reduced, and they're limited to those areas where we need to provide the left-turn lanes. This is from a video, looking at Dale Drive. We would have a station in the median at the intersection of Wayne and Dale. As I mentioned, we can design that option so that that station could be put in later on. We'd rather do that than not consider it at all because it would be much more difficult to provide it later on if we didn't at least account for that in the future. Another rendering of Wayne Avenue and shared lanes near Cedar and then again near Sligo Creek. The county has a project called the Green Trail which is on the north side of Wayne Avenue. That originally called for the narrowing down some areas along Wayne and removing parking on the north side. We've tried to work with the county to incorporate the Green Trail. The Green Trail actually could be built before the Purple Line is. The only difference



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in the Green Trail is that, instead of having a 8-foot trail and a 5-foot buffer and a separate sidewalk, we would combine. We've asked the county that if they would combine the sidewalk and the trail, the right of way needed would be 13 feet instead of the 18 feet that the current design allows for. Again, the Green Trail could be built ahead of the Purple Line. We would have to come back and reconstruct those areas if we were to provide the additional left-turn lanes at the signalized intersections. We continue to work with the local residents in East Silver Spring, and we will, as the Planning Board has requested, continue to study the longer tunnel option. Again, we are concerned about the additional impacts associated with that option, but we can study it a little bit more. We do think that the Dale station actually could be eliminated, but we should be able to design it so that that could happen in the future, and overall, we think the surface alignment would be the preferred option for Wayne Avenue because it's a good balance between the travel time, the operational considerations, and, most importantly, the community impacts along that area. Finally, we're just showing the schedule, the next steps. Selection of the preferred alternatives should take place some time in the February to March to April time frame, and then we have to prepare a new starts report. We have to submit that to FTA for their review. Takes them a while to review that submission, and then we also request to enter preliminary engineering in the final environmental impact statement, so we expect that next step to be completed by the fall with a record of decision by fall of 2011, which then would allow us to begin final design by fall of 2011.

**COUNCIL PRESIDENT ANDREWS:**

Thank you very much for that very thorough presentation. I'll turn to the Chair of the committee again, Councilmember Floreen.

**COUNCILMEMBER FLOREEN:**

What I thought I'd do is go through the committee's recommendations, and I know folks have comments or recommendations or other observations or questions, and then we can revisit them. I think what's been very clear is that there has been a very thorough analysis of the issues that we've heard from the community. There are no good guys and bad guys in this conversation, just a lot of people worried about protecting their community and their expectations for how it should look and feel, and so what the committee has recommended is basically an amalgam of Park and Planning recommendations and County Executive recommendations. We recommend that the Council support the light rail as the transit mode, and we recommend that the medium investment LRT that uses the Master Plan Georgetown Branch right of way be employed with quite a laundry list of modifications. I have to say that a number of us are very committed to doing the best possible job of preserving the trail environment, and many of our comments in this regard go to that point. We've heard loud and clear from the trail users, the Town of Chevy Chase, that this is a huge regional resource and we must protect that experience to the best we can under the circumstances. So, what we recommend is that we include the high





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investment design for the trail through the tunnel under Wisconsin Avenue. That keeps the trail above the light rail, and there's sort of a series of turns to get down off that trail onto the Woodmont Avenue environment. Associated with that is a recommendation that the tail tracks that extend past that station onto the Woodmont project there would extend no longer than 100 feet west of the portal of the Apex Building there and, hopefully, much less. We recommend that we adopt the European approach and include grass tracks or between the tracks, certainly within the Capital Crescent Trail segment, and, frankly, I think many of us would like to see that as much as the state can do that. We recommend that the Capital Crescent Trail be established at a minimum of a 12-foot pavement and, where possible where there's additional right of way and we don't have to take down too many trees, extend it up to 16 feet, where possible. We understand that that will involve little bit further work, but we think it's quite doable within certain stretches. Before the locally preferred alternative is finally resolved, we continue to believe that the issue of the tunnel option that was just described in some detail by Mr. Madden between the Silver Spring Transit Center and down to the vicinity of Wayne Avenue, Mansfield, be studied to the same level of detail as has already been completed for the surface option between these points. Obviously, the state has a point of view in regard to this. I know Ms. Ervin may have some comments in this regard. I think the ultimate issue for the success of this effort is how reliable and how speedy the transit service can be made under this analysis. We would expect the state to look at that. We also recommend that if we end up with a surface option on Wayne Avenue, that the Dale Drive stop not be included for the time being but to design it in a way that would make it possible to add a stop there in the future. Next, with respect to some further studies during the preliminary engineering phase, we really are hopeful that there will be new energy-saving kinds of vehicles that will be available at the time that this project moves forward that do not require the wires, poles, and electrical substations. We've heard already that the state has made some preliminary investigations into that, but with the current environment, I think it's quite possible that we will see some new advances in this area before this particular point will be resolved, so we want them to keep this on their agenda. We recommend that there be more access points to the Capital Crescent Trail than those currently shown in the Draft Environmental Impact Statement, especially in the Cokeland Parkway right of way area and from the Grubb Road, Terrace Drive intersection in Silver Spring. We're very concerned, certainly, about the trees in the area. We heard a lot from the community, and all of us have walked this trail many times, and we want to ask the state to make sure that we employ design and building techniques to maximize their retention in the corridor. If the surface option is selected in downtown and East Silver Spring, we want them to maximize their attention to the crossing issues and the pedestrian safety and vehicular conflict issues that we expect will arise. Likewise, we recommend there be a detailed study on, generally in this area, pedestrian safety, ridership forecast at the transit center and Fenton Street locations, and all these issues having to do with the conflict between the transit vehicles and automobiles in shared lanes, particularly along Bonifant, and I think the real issue with the shared lanes



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would be along Wayne Avenue and, of course, working with out retail establishments along Bonifant Street, and keep in mind the Wayne Avenue Green Trail design, which was described, and we will want to include that, as well. Again, developing design details for the Capital Crescent Trail element, which is part of this project, and there's a list of the access points, retaining walls, landscaping, treatments of the bridges, signing, bicycle facilities, and the public plaza at the Woodmont East terminus, and we would ask that the community be significantly engaged in all that. Next, "Phasing Plan Along University Boulevard and the Takoma/Langley Area," that identifies how the light rail will be coordinated with the wider Master Plan sections of the roadway, commitment to continuous sidewalks and shared-use paths on both sides of the roadways that carry the Purple Line alignment, and then a laundry list of the environmental mitigation strategies-- wetlands, Parks Department approval, noise impacts, historic resources-- they did mention there is an issue with the Falklands Apartments that we believe is resolved, but it's still something that will have to be worked through--and Parks Department property impacts not only down by Sligo Creek, but also the Brookeville Maintenance site, which is relevant to this. Finally, we direct the Planning Board to reserve the rights of way that might be needed through the development approval process for all the options that have been identified until the locally preferred alternative is finally resolved. We do not make any other recommendations with respect to whether we need to revisit Master Plan issues going to infrastructure financing on this or the capital improvements program issues, so I'll leave those for another day, but that's the committee's recommendations, and I solicit your support.

**COUNCIL PRESIDENT ANDREWS:**

OK. Thank you, Councilmember Floreen, for the summary and for the committee's hard work on this, and, as is the way in which I'm carrying out the order here, I'm gonna turn first to the Council Vice President, who also happens to be a member of the T&E Committee, then Councilmember Leventhal, and then the order of the lights as I saw them--Councilmember Knapp and Councilmember Ervin.

**COUNCIL VICE PRESIDENT BERLINER:**

Thank you, Council President. I know all my colleagues appreciate--and I think my constituents do, as well as the representative of Chevy Chase and Bethesda--this is a difficult vote for me. It has been a difficult process for me. It is a difficult issue for that community. It is a community, many of whom--not all of whom, but a strong contingent of whom--believe that their quality of life is gonna be degraded should we go forward with this light rail if the state, in fact, adopts the recommendation of this Council, of this County Executive, of the Planning Board, and I have firsthand experience that this is an issue for which there is no common ground. I, once upon a time, had a television show in Montgomery County called "Search For Common Ground" in which...



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COUNCILMEMBER FLOREEN:  
Still searching.

COUNCIL VICE PRESIDENT BERLINER:

I brought opposing folks together, and that show actually made a lot of headway in a lot of different issues, and the most disappointing show I ever had was the show with respect to the Purple Line.

COUNCILMEMBER FLOREEN:  
Remember it well.

COUNCIL VICE PRESIDENT BERLINER:

It was not pretty. And it is reflective of that those who love that trail simply cannot imagine the representations that the state has shown us and enjoying that trail and having those trees come back and having their quality of life be anything close to approximating what it is today. So for me, the challenge has always been, is there an option with respect to this that would work? And so the town of Chevy Chase, among others, had urged us to look closely at the Jones Bridge Road option. And I supported them in looking at that option and asked the state to look at it very carefully to make sure that OK, if we put BRT someplace and if we put BRT along that street, that would obviously save a good chunk of the trail. And so I supported them in their request that this be looked at carefully and I will say to Mr. Madden I appreciate the care with which you gave those sets of issues today and in the end, I find that analysis to be pretty compelling, that that option takes twice as long. That option has less capacity to serve what we hope to be a growing community of mass transit riders. That option does not serve the population that's our largest population that needs to be served, and that the BRAC process itself is only going to bring about de minimis call for riders going to that particular location. So when you conclude that BRAC, which is a major issue for our community, should not be a deciding factor in our analysis of BRT along that road versus light rail, I think it's a fair analysis. Now, there are going to be people that do not accept that conclusion, but I hope that with the care in which you went through the analysis that folks will conclude that you gave it a fair shot. You gave that option a fair shot. That's what I wanted out of this process, that everybody felt that their choice was looked at carefully and was dealt with in an impartial manner. I believe you did that, and I thank you for that.

UNKNOWN SPEAKER:  
Thank you.

COUNCIL VICE PRESIDENT BERLINER:

I think the chair identified the care with which this--our committee, with the County Executive, with Park and Planning, all of us ask you to look at that trail, and that we want



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that trail, the representations that you showed today, I always love this one, this particular one on page 26--24.

UNKNOWN SPEAKER:  
Yeah.

COUNCIL VICE PRESIDENT BERLINER:

This representation needs to turn into reality, because this is the promise we're making people, that the future of that trail can in fact be good once again. In fact, we can enhance it. As the chair pointed out, we will be widening that trail from 10 to 12 to maybe 16. So we want that recreational experience to be a fine one. And, for this community who is being called upon to sacrifice, I think it is our obligation to do so, is to show that we will be attentive to maintaining as many trees as we can, making the landscaping as fine as it can be, widening that trail, making the buffer look lovely. Making this look as it does here in this writing--in these pictures. So, I thank you for that. I believe that we are of common mind here. I would say to you that I was appreciative of your looking at whether or not we do need catenary wires. Am I saying that correctly? Catenary? Is that--

MIKE MADDEN:  
Trolley wires.

MIKE MADDEN:  
Trolley wires. Right.

COUNCIL VICE PRESIDENT BERLINER:  
Thank you. Trolley--

MIKE MADDEN:  
Catenary wires, actually, are more extensive and--and we've proposed trolley wire, much simpler overhead system because we are concerned about the visual impact of the--

COUNCIL VICE PRESIDENT BERLINER:

Appreciate it. I just got an e-mail from my staff showing me a bombardier product that is out today that avoids overhanging wires completely and perhaps that's something that you've looked at that you've concluded that may not work well, but I would be grateful if you would look at that again, because to the extent to which we avoid overhanging wires, we create a context in which our canopy cover can go back to what it is today eventually.

MIKE MADDEN:  
Yeah, we've looked at that exact vehicle, and it's--unfortunately, it's a good bit larger vehicle than what we're talking about, for one thing, at least today.

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**COUNCIL VICE PRESIDENT BERLINER:**

But perhaps that technology would be suitable for other vehicles as well, but--so it does exist and maybe we can look at that again, as you are committed to doing, and I appreciate that. I wanted to ask you another question and ask my colleagues if they would be supportive of your studying, much as you are of studying other issues between now and your final selection of a preferred alternative. Councilmember Elrich is among those who has felt very strongly that this--that there could be areas on the trail portion of this line that could be single-tracked. As you had observed, this was originally proposed and conceived as a single track, and of course now it has evolved into something larger and grander, and may preclude that option. I know you've looked at it. I know our staff has looked at it carefully. And our staff originally was very positive with respect to the possibility of single-tracking in particular sections of the trail. The benefit, of course, is that if you could single-track in particular portions of the trail, you would preserve that much more of the trail, which ought to be our goal if we can achieve it without negatively impacting the project in some fundamental way. I understand, of course, that the timing, if you do single-track, your timing has to be pretty precise, and that because we are going towards a much more expanded system, the timing is not going to be as precise as it was when we were looking at a Silver Spring to Bethesda operation. And now, since we are going much larger, trains will be a couple minutes late, and therefore, where does one single-track, where does one put the side tracking, et cetera. But it's also true that we're moving into new technology today where we can communicate better, and it seems as if it is not beyond the pale that we could achieve that result. And so I would ask my colleague in the chair, if she would be so inclined, to add that as something that Mr. Madden would look at as he comes up with his preferred local alternative.

**COUNCILMEMBER LEVENTHAL:**

Objection is recorded, Mr. President.

**COUNCIL PRESIDENT ANDREWS:**

OK, and we'll have a--we'll have a chance for discussion about this suggestion in just a bit, but go ahead and continue.

**COUNCIL VICE PRESIDENT BERLINER:**

Thank you. Appreciate my Council's--colleagues concern with respect to that. I just wanted to conclude by sharing something that I had shared in committee, which I believe that this fight, really, or this whole effort was characterized by one of the "Washington Post" writers as "a contest," if you will, "between the greater joy of the trail versus the greater good that will result from this first-class mass transportation option." And as a district Councilmember, that choice has been particularly painful, but I do believe that the greater good is in having this first-class transportation option, and I believe that we can



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achieve a great deal of joy if, in fact, you produce in reality the kind of trail that we've seen representations of, and I am going to work hard to ensure that that happens, as I know you are committed to making it happen, so with that, I stand down and appreciate my colleagues' indulgence.

**COUNCIL PRESIDENT ANDREWS:**

Thank you, Council Vice President Berliner. Councilmember Leventhal.

**COUNCILMEMBER LEVENTHAL:**

Thank you, Mr. President. As I did at committee, I want the most important focus of my remarks and the take-away that the state government hears today to be simply 2 words: Thank you. The state of Maryland is proposing to do something really wonderful for the residents of Montgomery and Prince George's County. What has the state done for us lately? Montgomery County has an attitude. Montgomery County feels that we often are taken for granted, that our tax dollars are spent in other jurisdictions, that we don't get a fair share of what we're entitled to because we are the largest county in the state. Here is a really wonderful project that the state is proposing to do for us, and I just want to make sure that the state understands that at least some elected officials who represent Montgomery County really appreciate it. The work that has been done by the Maryland Transit Administration has been skillful, patient, adept, sophisticated, it's ongoing, it hasn't stopped. New suggestions come up. Here already, the presentation has been adapted to recommend to include the recommendation of the T&E committee last week that the Dale Drive station be stopped. On every detail, the Maryland Transit Administration is listening, is studying the various options that have been put out there, and trying its best to make wise, objective recommendations, but always moving this project forward when it would've been very easy just to give it up. And it would be very easy for Governor O'Malley, let me tell you, just to walk away from this, because when you hear the dialogue in Montgomery County, you might get the impression that people don't want traffic relief, that people enjoy sitting in traffic jams, that people don't care about alternative modes of transportation, that they're happy to just keep burning petroleum. But we know that's not true and the state knows it's not true from the input that it got over the last several months. 80% of the input was in favor of this project. 8% opposed. 7% favored buses. So we understand where the public is at. I understand where the public is at from being out there in the public, as I know all of my colleagues are as well. The public wants congestion relief, the public wants alternative modes of transportation, and we're going to get the Purple Line because the state is going to make it happen for us, and I really appreciate that. Now, there are opponents, and some of them are very well funded and very able to promote their point of view and hire consultants to promote their point of view. But the thing about the opposition is, it's pretty evenly balanced, and what we policymakers find is when you try to satisfy one group of opponents, you end up angering another group of opponents. So that if you propose, you know what? Let's not run the thing along the Georgetown Branch Trail from



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Jones Mill to Bethesda, let's run it along Jones Bridge Road instead. How about that? The folks in North Chevy Chase don't want it. The folks in Jones Bridge Road start putting signs in their yard saying "Don't do it here. We don't want it." If you try and build a tunnel underneath East Silver Spring, you hear from the homeowners on Grove Street and Silver Spring Avenue saying "Don't tunnel underneath my house. My house will collapse." So I just caution my colleagues, all of whom are well-meaning, all of whom work hard. Every Councilmember works very, very hard to represent his or her constituents. You can't easily satisfy some of these things without making--creating problems elsewhere. And so I think our task here is not to micromanage this project. We have professional managers handling the project. We want to be informed about it, and we all are. We want to listen to our constituents, but really, our task is to provide a supportive environment to say "Thank you" to work with the state and to make this happen. Because I can't think of anything that I've had the opportunity to talk about or work on in elected office that is going to provide as tangible, as concrete, as real benefits for the people who I work for as the Purple Line. We do a lot of talk. We make a lot of policy. We have a lot of indirect effects on people's lives. But this is going to have a very direct effect. People are going to ride it from home to work every day. 62,000-68,000 riders every single day are going to get a direct benefit from this. I can't off the top of my head think of anything else that I've worked on that has that vivid and that direct and that real and that tangible a benefit for that many people. And so this is going to be our legacy, all of us, in elected office. First and foremost, Governor Martin O'Malley, but also County Executive Ike Leggett, also every state delegate and state senator who's going to vote on these budgets. Congressman Van Hollen. Congresswoman Edwards. Senators Cardin and Mikulski and all 9 of us. This is going to be our legacy. The day is going to come within the next few years where we're going to stand at...groundbreaking and we'll just know that we had a hand in this. And what a great feeling that's going to be. Now, how are we going to pay for this? Well, construction begins in 2012. It's true--the transportation trust fund is depleted. We have the money for planning and design, but we don't have the money for construction. OK, the economy's in a terrible place right now. There is not money in the transportation trust fund today. If the economy is as bad in 2012 as it is right now in 2009, we're in a whole lot more trouble than just losing the Purple Line. We all have to hope and believe that the economy works in cycles and that there will be opportunities and there will be revenues to replenish the transportation trust fund. In addition, as MTA pointed out today, we have a new federal administration that is going to make cities a priority, that's going to make mass transit a priority, and I'm very optimistic about how this is going to be received because of the excellent work that's been done by Mike Madden and his team and Secretary Porcari and Administrator Wiedefeld to put this application together to the federal government. I'm very optimistic that the feds are going to respond very favorably to this. And there's every reason to think they will because the ridership is higher and the cost effectiveness factors are higher than other projects that have already been approved. In fact, the ridership for the Purple Line is comparable to the ridership for the Dulles Metrorail, which costs



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between 2 and 3 times as much. So there's every reason to think that the feds will approve this, that we will get substantial federal funding, and that by 2012, we will have addressed the problems in the state transportation fund. I particularly want to acknowledge and thank Mr. Berliner, because this is a tough vote for him, so I appreciate his vote in committee last week, and he's pretty much indicated how he's going to vote here in Council, but we'll see what it is, and I'm sorry that I have to object to this suggestion and that we can't just unanimously approve studying a single-track trail, but I think that falls in the--a single-track trolley, but that falls in the category of what I'm talking about. You--you try to address one suggestion by a small minority of the voices in the community and you end up creating a whole raft of other problems. I've been an advocate for this project for many, many years, and it wasn't that long ago that the voices from the town of Chevy Chase were saying that the critical flaw in the program was that it was only a single-track trolley. So it's interesting to me now how some of those advocates may have done a 180 and said, "Well, single track would be less damage to the trail." I--I understand that if you live at the western terminus of the Purple Line, you don't see the benefit as much of a transitway that will get people to the west, where the jobs are. If you're already there, you don't see the benefit as much as those who live in Silver Spring or College Park or Riverdale or elsewhere along. So I've always understood that the folks to the west, particularly in Chevy Chase, don't sense that this is as good for them as perhaps others do. And I--and I represent them, too, and I have sympathy for their point of view, but I think we need to be very cautious about throwing red herrings in the path of the Purple Line, and so if--if Mr. Berliner's going to insist on making that as a motion, it's going to be a contested motion. It won't pass unanimously. But I regret that and I appreciate the position he's taken here. I would just simply point, many people who love the trail, including the Washington Area Bicyclists Association and many leaders of the Coalition for the Capital Crescent Trail, strongly support the Purple Line, understanding that it will lead to the completion of the trail all the way to Silver Spring. So I don't want to take issue with Roger Berliner because he's spoken eloquently here and I appreciate his support for this important project, but he did say that those who love the trail believe it will be degraded. Some who love the trail fear that it will be degraded. Many who love the trail, myself included, know that it will be enhanced and that the 62,000 to 68,000 people who will benefit from the Purple Line every day will join the 10,000 people per week who use the trail, and the entire region will benefit. So, again, my major...

COUNCIL PRESIDENT ANDREWS:

Councilmember Leventhal, I think Councilmember--I think Council Vice President Berliner just had a question for clarification.

COUNCILMEMBER LEVENTHAL:

Just to close and then I'm done. My major point here is thank you to the state of Maryland, thank you to Governor O'Malley, thank you to Secretary Porcari, and special thanks to



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Mike Madden, who has been working on this project through lean times and fat times, bad times and good times, and his team. We're bringing this a long way today, and I'm very glad to be here and to participate in this discussion.

MIKE MADDEN:

Thank you very much. We appreciate it.

COUNCIL VICE PRESIDENT BERLINER:

Just a brief clarification, just so that we're not cross-threading with respect to this, which I appreciate you can be opposed to this for a variety of reasons. I am not suggesting single track throughout this project. I am suggesting what I understood to be possible, which is in certain portions of the trail, one could do single track so that if one was timing it correctly, the rest of the system would operate effectively. It is not to single-track it throughout the entire project. OK? Just so--so we're clear.

COUNCIL PRESIDENT ANDREWS:

OK. Councilmember Knapp and then Councilmember Ervin and then Councilmember Elrich.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. I actually just had a couple questions on the presentation. I want to thank all those folks who've been advocate, thank the committee for their efforts, and thank the folks from the state who've been focused on this for such a long time. On page 4 of the presentation, talks about the level of daily ridership to be projected as high as 68,000 and says it's a lot of people and a lot of cars off the road, as many as 20,000. I'm just kind of curious--that would kind of beg the question as to where are the other 48,000 people coming from in the first place? How are they getting around now? I'm just kind of curious as to how--what the correlation is between number of riders and number of cars off the road. How you kind of got that methodology.

MIKE MADDEN:

The 20,000 reflects new transit riders, so the--which is roughly 30%. The rest of them were existing transit riders, a lot of which are taking either Metro or a portion of Metro. They're taking buses, where they're stuck in traffic, so--so that's the difference. That's how the--the--

COUNCILMEMBER KNAPP:

The 48--so the 48,000 are already using some form of...

MIKE MADDEN:

That's right.



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COUNCILMEMBER KNAPP:

OK. Thank you. Just want to understand that. Then on page 16, you make reference to the growth in Bethesda's CBD as a result of BRAC and other activities. Obviously, we hope that if we have a higher population, we have more transit and more people in that--in that greater population are going to use transit. But is there a correlation between this population growth and expected transit use, or is that just saying that if we got more people and we have transit, we hope it's going to be good and they're going to take advantage of it?

MIKE MADDEN:

No. The ridership model reflects the land use forecast. So that clearly makes a difference...

COUNCILMEMBER KNAPP:

One gets to the other.

MIKE MADDEN:

In terms of trip generation, yes.

COUNCILMEMBER KNAPP:

And then on 18, it talks about about greenhouse gas emissions and apparently either light rail or bus rapid transit are close enough to each other, and you reference the fact that it addresses state greenhouse gas targets, but we're actually in a regional air quality, air attainment area, and so I guess the question I have is, does it help--does it help or hinder what happens currently in the COG metropolitan region? Do we have any--any sense of what that does, since that's actually what regulates kind of our decisions here?

MIKE FLOOD:

Yeah, the emissions that are tracked for region are CO. The CO<sub>2</sub> is not a--is a local conformity measure. I don't believe it's the--carbon monoxide, and those are much reduced for LRT than they are for BRT.

COUNCILMEMBER KNAPP:

OK. And...

COUNCILMEMBER LEVENTHAL:

Mr. President?

COUNCIL PRESIDENT ANDREWS:

Yes.

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COUNCILMEMBER LEVENTHAL:

Could I just make a note on this? I just want to make a very important point about greenhouse gases. Those who say that the light rail does not reduce greenhouse gases are saying it because they are advocate--they are advocating buses, and it's very important to keep in mind that the choice is not necessarily between rail or bus. We need to keep in mind that having a Purple Line will significantly reduce greenhouse gases over what we have today, which is no Purple Line. So the suggestion is not that having a Purple Line will increase greenhouse gases. The folks in Chevy Chase are saying that bus compares favorably to rail in the generation of greenhouse gases. Do you follow the point? So if the choice is Purple Line or no Purple Line, no doubt having the Purple Line will make a major improvement in greenhouse gases. I think it's very important to emphasize that building the Purple Line will not make the greenhouse gas problem worse. Some say that for a variety of calculations, because of the way electricity is generated, light rail may compare unfavorably to bus, but it's not a question of does the Purple Line make greenhouse gases worse. No, it makes it much better.

MIKE MADDEN:

That's right, and that--our point was the higher ridership you have, the more new transit projects you have, then the more reductions in vehicle miles you would have.

COUNCILMEMBER KNAPP:

OK, and then--my last question. I--no 2 more, sorry. You talked about the diesel electric light rail vehicles, not wanting to have to use kind of the--it was on the trolley wires. At what point in the process would you have to make the decision as to which type of vehicle you would actually purchase to put on a Purple Line or transit line? At what point in the actual development, the construction of the facility?

MIKE MADDEN:

I would not think that would be needed until the final design.

JOE ROMANOWSKI:

Yeah, usually around the preliminary--

COUNCILMEMBER KNAPP:

Turn your microphone on, please. Thank you.

JOE ROMANOWSKI:

Joe Romanowski. Usually around the preliminary hearing and design phase, because it does take a while to get the vehicles on board, so as you're in preliminary design, you are thinking about vehicles and what to do with vehicles.



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MIKE MADDEN:

One of the things you--you normally look for are other systems that are purchased in vehicles so that you can tag on to that. Makes it much more economical. And that's why we've tried to--to consider for light rail vehicles basically a family of vehicles where--where there's a full range of--of ones that could meet our needs. And that--that could be another issue with this type of vehicle, that it's just not that--not that many companies build it or not that available, whatever.

COUNCILMEMBER KNAPP:

Or conversely it could also be a situation where we don't have to make that decision right today, so we may have some--we've got some flexibility before we need...

MIKE MADDEN:

We definitely don't need to make it today. That's right.

COUNCILMEMBER FLOREEN:

Which is why we included that in the recommendations.

COUNCILMEMBER KNAPP:

And then I was just intrigued on your last slide on 40, and this refers not just on the Purple Line. We've got other transit projects that are out there. Selection of the locally preferred alternative. Always been intrigued by--by the name of that. "Locally preferred alternative." What if in fact what comes forward is not the locally preferred alternative? Is there a methodology? Is there some appeal process...

GLENN ORLIN:

Locally means non-federal.

MIKE MADDEN:

Right.

COUNCILMEMBER KNAPP:

Ah. Anything not federal is local?

MIKE MADDEN:

Right.

MIKE MADDEN:

It means that--it means that the local--the local jurisdiction choose the--choose the preferred alternative. The federal government does not choose it.



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COUNCILMEMBER KNAPP:

Got it. OK. Thank you for the clarification. Thank you all for your efforts. I appreciate it.

MIKE MADDEN:

Thank you.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Knapp. Councilmember Ervin.

COUNCILMEMBER ERVIN:

Thank you very much. First of all, I'd like to thank the committee for its recommendation and for all of its hard work, and I want to point to page 2 of the packet, where the conversation is about the--the locally preferred alternative, and I thank Glenn Orlin for including my letter in the packet. I, too, like Roger Berliner, represent a district where a--a lot of--a lot of train tracks are going to go through, and there--there is not unanimity of--of support in my particular neighborhood, and I live right at Wayne Avenue and Dale Drive. And so that community is pretty split, and since I've been elected, I've been paying very close attention and--especially to MTA's analysis, and I want to congratulate MTA also on its outreach, and I think it's been very important work that you've done, especially in the East Silver Spring community and the alignment as it travels east. So I--I spoke to you, Mike, on Friday about my letter so that you wouldn't be surprised--

MIKE MADDEN:

Right.

COUNCILMEMBER ERVIN:

About what I was asking for, and so on behalf of 2 communities in my district--one is Soweka???? and the other one is Park Hills, I just wanted to make sure that you understood where that community was coming from--parts of the community, not the whole community--regarding the--the study of the tunneling option. So hopefully as we move forward, you're going to take another look at that. So I just wanted to make that point very clear for those in my community who might be listening.

MIKE MADDEN:

Yes, we will be able to do that up until the time that the preferred alternative is selected.

COUNCILMEMBER ERVIN:

OK. I appreciate that. I also have a couple of other comments I want to make, and--and one has to do with what Roger Berliner talked about earlier when he said--he talked about quality of life issues. And so in Chevy Chase, there might be a certain quality of life



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regarding the Purple Line and the trail, but in East Silver Spring, those quality of life issues are very different. And so, 1--I think we must continue to provide this project information to residents living in multi-family settings and to our minority communities. According to the DEIS, more than 60% of the residents along the Purple Line corridor are renters and more than 50% are ethnic minorities. And I know you've done a really great job of trying to reach out to hear what those communities are saying. These residents are seeking a high-quality system, too, that provides faster and more reliable transport than what is now available, and residents were inclined to support a light rail system based primarily on their experience with the existing bus and Metro system. 2--a significant conversation has to take place about how the Purple Line will be integrated into revitalizing those communities along the eastern alignment. The prospect of increased housing costs in our revitalizing neighborhoods such as Long Branch and Takoma/Langley should not be used as a rationale to stop the Purple Line. Our developing communities deserve the same high-quality services as our developed neighborhoods and it is my hope that creative solutions will allow today's residents to be tomorrow's riders. 3--the MTA must continue to identify creative and effective solutions to improve the communities, businesses, and institutions impacted by the chosen alignment. Over the past 2 years, I have heard from numerous individual residents and a variety of interest groups regarding the project's pros and cons, and I'm going to go through a few bullets if you don't mind here that I think are really important to consider. This is a summary. Number one, the impact of the planned Brookville Depot on the neighborhoods of Lyttonsville, North Woodside, and Linden. The impact of land acquisition and trail design on the neighborhoods of Rosemary Hills and Woodside. At that grade, automobile access and parking for businesses located along Bonifant Street and Wayne Avenue and integration with the new Silver Spring Library. Continuous improvement of the Wayne Avenue alignment. This should include a complete evaluation of the Silver Spring Metro to Mansfield Grove tunnel, pedestrian safety for all residents with particular attention to the residents of Spring View Terrace and children attending St. Michael's, Silver Spring International Middle School, and Sligo Elementary schools. Retention of the Wayne Avenue green trail. Improve traffic management and signage throughout downtown and East Silver Spring to preserve and improve the neighborhoods of Sevenoaks-Evanswood, Park Hills, East Silver Spring, downtown Silver Spring, and Fenton Avenue. Coordination of the Montgomery County Public Schools to ensure safety and access to Silver Spring International Middle School and Sligo Elementary School. Traffic mitigation, pedestrian safety, and automobile access for the residents and businesses along University Boulevard. And finally, integration with the existing revitalization goals of the Long Branch and Takoma/Langley communities. While this list is not exhaustive, it illustrates that a lengthy process still remains. The MTA should continue its public outreach and analysis so that these issues can be addressed and the Purple Line be constructed in a manner that improves the overall quality of life for those District 5 residents who live along the proposed alignment. 6.5 miles of the Purple Line's 16-mile journey from Bethesda to New Carrollton pass through District 5. The medium



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investment light rail Purple Line has been supported by thousands of individuals, numerous resident associations, business organizations, a wide variety of interest groups, and nearly all the elected bodies and officials along its corridor. As the Obama administration considers its stimulus package, it has become evident that those projects that are ready to go and have uniform support will have the best opportunity for inclusion. During my public testimony before the MTA in late November, I referenced the adage "We all drink deeply from wells that we did not dig." A light rail Purple Line will provide hundreds of thousands of Montgomery County and regional residents with a 21st-century transportation solution. It is our well to dig, so let's get started. I also want to say I will vote in favor of the committee's recommendation, and thank you all for all your hard work.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Ervin. Councilmember Elrich.

COUNCILMEMBER ELRICH:

Thank you. Couple quick questions. One is, what's the peak hour use of--of the light rail? What's the peak hour passenger that you envision carrying how many during the peak hour?

MIKE MADDEN:

Um...

COUNCILMEMBER ELRICH:

68,000 a day.

MIKE MADDEN:

Right. Uh, I don't know what that is offhand.

UNKNOWN SPEAKER:

Um, the Planning Board's staff report on circle 36.

MIKE MADDEN:

I think Tom Autry looked at that.

UNKNOWN SPEAKER:

Tom's--is that--is that right? Circle 36?

TOM AUTRY:

Yeah, for the record, Tom Autry, Park and Planning. Depending on alternative, it's between 1,700 and 2,200 per...



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GLENN ORLIN:

The--the medium investment LRT of Circle 36 is 2,239.

COUNCILMEMBER ELRICH:

Another question on the--on the trail. How much of the trail for the construction of this are you going to have to clear? Is it-- I mean, people have talked about a 50- or 60-foot swath being cleared for the trail. Is that accurate?

MIKE MADDEN:

Where the--where the alignment is 66 feet, most of that would have to be cleared. I would say pretty much all of it.

COUNCILMEMBER ELRICH:

And will that then have an impact on trees that are in people's yards...

MIKE MADDEN:

Well, that--that--that's an effort we can do, to look at, to make sure that the root systems are preserved. We have a landscape--landscape architects on board that will look at that to develop a plan to make sure that we minimize the impact to trees outside that right-of-way.

COUNCILMEMBER ELRICH:

OK. I'm going to--I'm going to wind up voting for this today, but I want to make a couple comments that--that I think we need to be really clear on. This trail is not going to look anything like the pictures that Roger held up, and I think Roger's rightly concerned about that. If you're cutting out a 60-foot swath, it'll be a generation before the trees return to look anything like that. And I think there is going to be a severe impact. I think that what you're going to have is--you're going to have a trail, and the trail will function as a trail because if I pave 12 feet between 2 points and I can ride on it or walk on it, we can call it a trail, but the quality of that trail is going to be radically altered by--by what we do there. And I happen to, you know, think that BRT is an option, and I have to be honest--no matter what you do, it's going to radically alter what happens there. There's not, like, a good solution to this, so I don't hold that--that an alternative path necessarily is a less destructive path. This is going to be pretty disruptive when you do this. So I'm very concerned about that. And hence my interest in looking at single tracking, not because of anybody in Chevy Chase has said, "We'd be happy if you single tracked," because the fact is anybody who's talked to me who doesn't like this, doesn't like it period, and nobody's said, "Well, we'd be happy if you did this as a single track." But I do think that there are opportunities here, and I've been spending some time doing searches of literature on the Web, and there's a lot of discussion. The Transportation Research Board has a couple of papers, in fact, that deal with single tracking in small segments, and the





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conclusion is not that it can't be done but that it's possible, but you have to take a lot of things into concern. And one of the things that concerned me in your statements, when you talk about the unreliability or unpredictability because of the length, one of the critical things about rapid transit is it has to be reliable and predictable. If you're saying you're going to maintain 6-minute headways, you have to maintain 6-minute headways. You can't have trains coming late and trains stacking on top of each other, because that defeats the purpose of a rapid transit system, and it's the number-one thing that'll drive your ridership down. So I think if you're intent on maintaining 6-minute headways, I think that there's an opportunity between Connecticut Avenue and Wisconsin Avenue and the Gifford's stop to really look at whether a siting judiciously located in there might allow you to maintain your 6-minute headways and not create the conflicts, and I think to the extent that you can do that, a, would save costs on the project, and I do think no matter whether there are Democrats in Washington or Republicans in Washington, whoever's there better be concerned about what the costs of projects are. I imagine the state would like to be concerned about costs and projects because every dollar you put in here is your share, is a dollar that if it's really available will not be available to some other project. So I think everybody has to consider the cost effectiveness. But I wouldn't propose this, and I think in the spirit of what Roger said, this is to look at, not as meant to be an additional study to delay it. I don't want you to embark on some new project that'll then put this thing back a year or 6 months or anything else, but as long as this is on the table, I think it's worth looking at, and if you conclude that it has some merit, I think that you ought to consider it. If it saves time--it saves money and doesn't affect your ability to effectively operate the line, I'd hope that you'd consider a look at that.

MIKE MADDEN:

I would like to point out 2 things. One is that largely because of money, in Baltimore, we did single track a lot of the system, and later on we paid for that dearly, not just in cost but in impacts and angst. And likewise, in San Diego, in Sacramento, I believe, both of those systems also had single track, and they went back and paid dearly again to double track. We have studied this. We studied it back before the 2 pieces of the Purple Line were actually put together. We can look at it again, but besides the operational concern, there's a maintenance concern in that when you have only one track and you have to do track maintenance, you have to shut down that segment, whereas if you have 2 tracks, you can bypass those areas of maintenance. So there--there are a lot of concerns, and I know from MTA's standpoint, MTA would never want to do that again, what--what we went through in Baltimore.

COUNCILMEMBER ELRICH:

I--I guess, you know, I understand Baltimore's experience, and I actually read stuff on both San Diego and Sacramento and actually rode the San Diego light rail system, which is a really nice experience, where in the heart of the downtown of San Diego, they actually

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took out an entire road and took it away from cars in its entirety and used it for--for transit. I wish we were more willing to do that in general, because it had a real impact on accessibility to business centers in downtown San Diego. I just think it's worth looking at and I agree that the literature does say that entirely single track systems don't work, that the closer you get to--the lower your headways get, the more difficult it becomes, but they also indicate there are lengths for which it is feasible, and I just think it's worth looking at, so I've encouraged you to look at it. I--I don't think we should talk about this as a traffic reliever. I mean, I think Glenn in his memo makes the point. No one is talking about this as traffic relief anymore, and it doesn't have a significant impact on anything in terms of traffic. What it does do is make a significant difference between people who spend 2 hours on a mass--or on a commute today, mass transit commute, and will knock it down significantly, and I think there's merit in doing transit projects to cut down on the time that many people experience, just as there is merit when we do road projects and widen the intersection or add a lane because we're reducing the time that people spend in delay. So it seems it's as meritorious to reduce transit riders' delay as it is to reduce car drivers' delay. The last point I'll make is I really appreciate the study you did, because it's a far cry from what was talked about when Mr. Flanagan was--was sitting in Annapolis or Baltimore or wherever it was that he actually sat, and that you actually brought forward a real genuine BRT alternative. It was not what was proposed to the community back in the days of the Ehrlich administration. And I think what you showed in your BRT alternative, that given similar rights-of-way running in identical settings, the 2 things perform identically, and that the only difference, really, is the issue of whether or not or how much capacity you can add in the future. And what I would say to that, this is my one disappointment in your report, because I've been mildly obsessed about looking at what people are doing with transit, there are vehicles out there which have capacity of 200 passengers. Toyota, you know, you must be familiar with it--the IMTS system that Toyota is promoting is--lets you chain between 3 and 6 50-passenger vehicles, which would give you the length of 6, 300-vehicle chain bus, which would be effectively the same as a trolley and has the advantage of running--basically adding these modules on and off. For the parts of the line that you need 6 vehicles, you run 6, and where you don't need 6, you don't run 6. And they also run on the road, so they don't always need to be--they don't always need to be on a track. So they have a lot of flexibility, and I feel that what was missed in this was that there are vehicles that could give the same expandability to a BRT system that you have in a--in this system. The reason I asked you the capacity per hour is that Toyota's system, they're advertising 20,000 passengers in a peak hour capacity, and that the 2 systems in Asia that are under construction now, the one in Philippines is supposed to carry 168,000 passengers a day, which dwarfs--and is on a 22-kilometer route. So it's a 22-kilometer, 168,000 passenger-a-day system which dwarfs what we're talking about doing here. So it's not like you can't do it in another mode. Now that's where I think--it's my greatest criticism where this report is, but I also think we have to do this. I think there's no choice but to build it and to build it on the--on the Purple Line Master Plan route. I--I looked at the



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Jones Bridge thing and tried to--you know, is this feasible--and I just don't see where it is feasible, and I think the time is a significant factor and that it will influence whether or not people use the system. So I have reservations about where we are, but I think that there are enough merits in building the transit, and the transit is critically needed, that I'll be voting to support this. I thank you all for the work you've done.

UNKNOWN SPEAKER:  
Thank you.

COUNCIL PRESIDENT ANDREWS:  
Thank you. Councilmember Trachtenberg and then Councilmember Leventhal.

COUNCILMEMBER TRACHTENBERG:  
Thank you, President Andrews. I'm just going to make some brief remarks and I want to start off by thanking the T&E Committee for their hard effort on our behalf, but also I want to acknowledge the state representatives that are here and our own staff, Dr. Orlin, for all their hard work as well as the folks who represent the Executive Branch on this. You know, there are clearly challenges with certain communities about the project, and I can in particular recall some of the challenges in District One going back a decade ago when I first ran for public office. You know, I thought it was a pretty straightforward decision about whether I was going to support the Purple Line or not, and again, coming from a city environment up in New York City, my inclination just instinctively was to support the public transportation, but I can remember during the course of that campaign, really for the first time experiencing some of the heartfelt and really passionate advocacy that was going on in the community that I wanted to represent. So I sympathize, Roger, because I know there are strong feelings, but I happen to agree with Councilmember Leventhal that this is just one of those hard conversations and hard decisions where you can't make everyone happy. And I think it's clear from the conversation that we've had here this morning going into this afternoon that there is consensus to support the project, and there's clearly a commitment by this body as well as by the state to make sure that when we do build the light rail system that we're going to do what we can do to protect the environment. And while I would agree that the photos in the presentation, the depictions are not necessarily an accurate depiction of what the trail might look like in another 20 years, I really believe that these projects can coexist, the trail and the rail, and I don't think that just because I have faith in those that we're working with, but I believe that having experienced light rail in other communities and having used it routinely, for instance, up in the Brookline area right outside Boston. In fact, I choose to use the light rail routinely when I'm there rather than my mother-in-law's car because I actually find it to be a pleasant experience. And I--I think the investments that need to be made can be made. I believe that, you know, Mr. Madden's remarks about the money--and we have reasons to be concerned about that--they're on point--but I'm cautiously optimistic that the money eventually is going to come



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our way and I would believe also that the new administration will reward our resolve. Again, I'm--maybe I'm a born optimist, but I think we really owe it to ourselves to make a decision at this point and move forward, and that's precisely what the Purple Line investment is all about. It's about moving us all forward. So I strongly support the recommendation of the committee and I look forward to maintaining my purple wardrobe so that in a decade or so, I'm able to take a regular ride on the Purple Line.

MIKE MADDEN:

Thank you.

COUNCILMEMBER TRACHTENBERG:

I'm patient.

[Laughter]

MIKE MADDEN:

We keep trying to add to our wardrobe also.

[Laughter]

COUNCIL PRESIDENT ANDREWS:

All right. Councilmember Leventhal, then Councilmember Berliner.

COUNCILMEMBER LEVENTHAL:

I regret the necessity of having to do this, but Mr. Elrich said that this would have no effect on traffic, and on page 4 of the presentation...

COUNCILMEMBER FLOREEN:

Well, let's see...yes.

COUNCILMEMBER LEVENTHAL:

That's not what I heard, Marc. And on page 4 of the state's presentation, they say that it'll be as many as 20,000 cars off the road, and in addition, if you are able to reorient bus service because you have a better, faster alternative, taking buses off the road, if you've ever been stuck behind a bus in traffic, does make a big difference. This will make traffic better from where it otherwise would be in 2030 and beyond. Is it--is it going to reduce traffic from where it is today? Well, we know population's likely to grow, and so it is likely that traffic will get worse. That's why it's so urgent that we provide alternatives to the automobile like this. This will make traffic better. It is not correct to say that public forum like this and when we're being covered by the press and we're being broadcast on television and someone's who's going to vote for this says, "This won't do anything, it



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won't make traffic any better and it's going to devastate our communities," one has to wonder why would a--an elected official vote for something that was going to have such devastating, pointless impact? I'm voting for this because I think it will enhance the trail, it will improve quality of life, it will make commutes easier and better for the communities along the trail and throughout the region, and it will improve traffic. I just want to make it clear that--perhaps there's disagreement on that point, but I didn't want to let that statement stand. I was very surprised by it.

COUNCILMEMBER ELRICH:

I'd like to answer...

COUNCIL PRESIDENT ANDREWS:

Councilmember--well--all right. I'll give you--all right. You can answer briefly.

COUNCILMEMBER ELRICH:

I didn't say it would devastate communities. I said it's going to wreck the trail. And I think--

COUNCILMEMBER LEVENTHAL:

Thanks for that clarification, Mr. Elrich.

COUNCILMEMBER ELRICH:

I think we need to be honest about what's going to happen to that trail. It's going to be a long time before it's returned to what it is, and I--and I acknowledge that's true whether it were done the way I might want to do it or whether it's done this way. We shouldn't pretend that it's not going to do what it's going to do. As for traffic, 20,000 cars off the road over an entire day spread out over the length of this entire system is not going to provide major traffic relief, and no one has ever suggested it's going to provide major traffic relief to the Beltway or to East-West Highway. That's just not what this does and we shouldn't say it. There's reasons to do it, but we shouldn't--we don't have to oversell what it does. It's an important transit link. It serves a vital purpose. It is not the magic bullet.

COUNCIL PRESIDENT ANDREWS:

Thank you. Councilmember Berliner.

COUNCIL VICE PRESIDENT BERLINER:

Before we act, I would like to formally move, and Mr. Madden, my understanding from our prior conversation was that you don't object to taking one final look with respect to the possibility of limited single tracking along the trail, maintaining a double track system for the vast majority of this project but looking at the possibility of whether or not we could do limited single tracking along the trail, and that you would be prepared to take one final look with respect to that before issuance of the final locally preferred alternative.



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MIKE MADDEN:

We can again take one other look at the possibility of it, yes.

COUNCIL VICE PRESIDENT BERLINER:

I would be grateful and I'd ask for my colleagues' support with respect to that.

COUNCIL PRESIDENT ANDREWS:

All right. Are you putting that in a form?

COUNCIL VICE PRESIDENT BERLINER:

That--that is a motion, Mr. Chairman.

COUNCIL PRESIDENT ANDREWS:

OK. That's a motion by Council Vice President Berliner and is there a second?

COUNCILMEMBER ELRICH:

Second.

COUNCIL PRESIDENT ANDREWS:

Seconded by Councilmember Elrich. Is there discussion about the motion? I don't see any. OK. All those, then, in favor of the motion-- I think everyone understands it--please raise your hands. OK. That's Councilmember Elrich, Councilmember Floreen, myself, Councilmember Berliner--Council Vice President Berliner, and Councilmember Knapp. All opposed? Councilmember Trachtenberg, Councilmember Ervin, Councilmember Leventhal. It passes 5-3. So appreciate your taking a look at that. All right, Councilmember Floreen, and actually--let me make one comment because I want to give you the last word. OK? And that is first I want to say that I commend the MTA also for all the hard work done and the very thorough work done. I agree with Councilmember Leventhal about the quality of the effort, and as someone who has supported light rail and the Purple Line for 15 years now, I am glad to see it moving forward. It is important what the Council's about to do, which is I believe to unanimously support the recommendations for light rail on the Master Plan Alignment of the Purple Line. And the Council is joined by the County Executive in that recommendation, so we have a united county government recommending that to the state, and we appreciate the very close cooperation and collaborative relationship between the state and the county on this. I wanted to ask if it's the plan for the Purple Line to be operated by MTA at this point rather than Metro.

MIKE MADDEN:

That is the current assumption, but that--more final decision on that would be made when the preferred alternative is selected. At least I would anticipate that.



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COUNCIL PRESIDENT ANDREWS:

All right. My understanding is that it's likely that the--that MTA could operate the--the Purple Line less expensively than Metro based on what I understand about the cost of the different systems. Is that a fair--fair assumption?

MIKE MADDEN:

Uh, I really don't want to comment on that. I don't know. Ha ha.

COUNCIL PRESIDENT ANDREWS:

All right. Well, I think that's an important consideration, and I think that that could make a significant difference in the long-term cost to the system, so I think it's important for us to understand the differences in what it would cost for MTA to operate the system versus Metro, and I am interested in having the Council receive your analysis of that, which we can submit to Metro as well and see if they agree. But...

MIKE MADDEN:

I can tell you their salaries are higher than ours.

[Laughter]

[People speaking indistinctly]

COUNCIL PRESIDENT ANDREWS:

All right. Well, I would like to get your analysis of that at the appropriate time. Thank you. And I will now turn to Councilmember Floreen for the final word before we vote.

COUNCILMEMBER FLOREEN:

Well, thank you very much. Again, I'd like to compliment everyone who's participated in this exercise. All the community members, all the advocates, certainly the state. I think it's made for a very full record. I think we've had a good conversation about really important points for community members along the way. I will note that both the issue of the single track and the tunneling issue we would expect to get results relatively rapidly to fit into your schedule, so none of this is intended to delay any decision-making process, but all that is intended to enhance it. And I think having that information will be very helpful and put us in a terrific position as we move forward. This is a great time given the new administration and its commitment to infrastructure and transit. Of course, the devil's in the details, as usual, but we are really uniquely situated, I think, to take advantage of it, this new administration's initiatives, and I will simply point out--remind us all that the Surface Transportation Act is being rewritten as we speak. It's scheduled for--it's going to expire this fall. All bets are off as to what those expectations are going to be, what the rules are

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going to be, and what the federal commitment to these initiatives are going to be. But I think it's possible that we can expect, given our location within the country, our service to the-- to the new Commander-In-Chief, and our ability to link 4 transit stations with light rail. I think we are in a unique position to benefit from this new beginning, and so I think our attention to these details will only enhance our ability to proceed and receive the kind of federal support this project really requires, and we'll have to get the President out on the trail as well. So, with that, thank you, everybody, for your engagement.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Floreen, for your leadership on this, and for all my colleagues who have worked so hard on this, I know Councilmember Leventhal has championed this for years. Councilmember Ervin has been a very strong voice, and as I said, there's unanimous support for this recommendation based on the comments that we've heard today, but we need to make that formal, and so with that, I'll call for a vote on the committee's recommendations as presented by the chair. All those in favor of the committee's recommendations, please raise your hand. And that is unanimous among all present. Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal. And that is 8 to zero. Thank you very much. You want to...

MIKE MADDEN:

Yes. I--I would just like to thank the Council. We've had a lot of help from individual Councilmembers, we've heard a lot of concerns, and I think it's good that the County, really good that the County has come together to support the light rail medium alternative. And we do have a long ways to go, but in some ways, I think it makes it easier now that everybody understands what we are talking about. We are committed to continue to go out into the community. They know what the project will be. I think we will be able to more easily focus on the issues to make the design as good as we can, both in Bethesda and Silver Spring and Chevy Chase. And we do have a long ways to go, but we do appreciate hearing your guidance.

COUNCIL PRESIDENT ANDREWS:

Thank you for your hard work and we look forward to continuing to work with you closely to bring this project forward, and it looks like there's a comment from our Director of Transportation General Holmes. Good afternoon.

GENERAL HOLMES:

Good afternoon.

COUNCIL PRESIDENT ANDREWS:

Please push the button.



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GENERAL HOLMES:

I, too, thank the folk who've been working on this. I've been working with this since I was at the Planning Board, some almost 10 years ago, so it's good to see it come to fruition now. But my respectful request of you is as you go forward with your correspondence to the--the state that it be a joint letter with the County Executive. I think it would be very good for Montgomery County to go at one voice.

COUNCIL PRESIDENT ANDREWS:

I agree, I agree. And we will look forward to doing that with County Executive Leggett. And thanks to all in the audience as well who have worked on this. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

I think a joint letter with the County Executive that embodies the vote that the Council took just now would be a very constructive way to communicate, so if we can agree that the Council and the Executive support the motion that the Council took, which is very, very close to what the Council wrote to Mr. Andrews, then I think that would be a very positive way to communicate.

GENERAL HOLMES:

Certainly, sir. In the joint--in the staff paper, there are almost mirror things in there, and that's what I'm talking about.

COUNCIL PRESIDENT ANDREWS:

Very good. The County's united on this and we look forward to seeing the Purple Line built as soon as possible. Thank you all.

UNKNOWN SPEAKER:

Thank you.

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TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Council President Phil Andrews  
Council Vice President Roger Berliner

Councilmember Michael Knapp  
Councilmember Valerie Ervin  
Councilmember George Leventhal

Councilmember Marc Elrich  
Councilmember Nancy Floreen  
Councilmember Duchy Trachtenberg



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1 COUNCIL PRESIDENT ANDREWS:

2 Good afternoon, everybody. Welcome back to the Council's afternoon session. We have a  
3 public hearing to begin with for this afternoon, but before we start with that, I wanted to  
4 announce that in order to maximize participation and access to the public session, the  
5 forum that we're having on the budget, we're going to extend that into the evening to go  
6 along with the evening hearing that we already have. So we will have it both in the  
7 afternoon--there will be opportunities for people who want to give us advice about how the  
8 county can best find savings this year, to talk to us both next Tuesday afternoon at 1:30  
9 and also following the already scheduled public hearing on the Fire and Rescue  
10 Commission that evening.

11  
12 COUNCILMEMBER LEVENTHAL:

13 Which also represents a budget savings.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Yes, and so it's a good co-mingling of the two purposes, right? So there will be two  
17 opportunities--two opportunities for people to talk to us about the budget savings plan next  
18 Tuesday, or their plan. All right. And so now with that, move on to our public hearing for  
19 this afternoon, after which we're going to have action. This is a public hearing on a  
20 supplemental appropriation of the County government's FY09 operating budget for the  
21 Departments of Health and Human Services and Correction Rehabilitation in the amount  
22 of \$424,820 for the Maryland Regional Gang Initiative Expansion--Gang Intervention. And  
23 action is scheduled immediately following this hearing. There are no speakers for the  
24 public hearing, so the public hearing is closed, and I did speak with--through staff on this  
25 with the chair of the Health and Human Services Committee, Councilmember Leventhal.  
26 And we agreed that this could go straight to the Council because it is, one, not a highly  
27 complex proposal, and, two, it is--no County match is required. This is a federal fund. A  
28 federal grant will provide all of the funding. And so with that, I need a motion from--

29  
30 COUNCIL VICE PRESIDENT BERLINER:

31 So moved.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 So moved by Council Vice President Roger Berliner.

35  
36 COUNCILMEMBER TRACHTENBERG:

37 Second.

38  
39 COUNCIL PRESIDENT ANDREWS:

40 Second by Councilmember Trachtenberg. Is there any discussion about the supplemental  
41 appropriation? Don't see any. All right. With that, all those in favor of the supplemental



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1 appropriation, please raise your hands. And that is unanimous among those present,  
2 which are Councilmember Elrich, Councilmember Trachtenberg, myself, Council Vice  
3 President Berliner, Councilmember Knapp, and Councilmember Leventhal. So the  
4 supplemental appropriation is approved 6-0. Next, item six, is action on the Management  
5 and Fiscal Policy Committee report and recommendations on spending affordability  
6 calculations for the operating budget. And I will turn to the chair of the Management and  
7 Fiscal Policy Committee, Councilmember Trachtenberg.

8  
9 COUNCILMEMBER TRACHTENBERG:

10 OK. Thank you, President Andrews. The action item before us this  
11 afternoon is to approve the Committee's proposal to change the formula for calculating  
12 the spending affordability guideline, and I would note for my colleagues, in order to correct  
13 any confusion, there was an introduction of a resolution to actually set the actual dollar  
14 amount earlier this morning. So what we're doing this afternoon is to actually change the  
15 formula for calculating the guideline, and I'm going to go back to why is this a  
16 recommendation from the committee. There has been an ongoing discussion within  
17 Management and Fiscal Policy Committee for, gosh, well over a year. We have had three  
18 recent discussions on this very reformulation--one in October, another in November, and  
19 then one on January 15-- and we are changing the way that this guideline is set. In the  
20 past, it was set on projected revenues. The way that we're proposing today is that it's set  
21 as a percentage of personal income, and that's the total personal income of people,  
22 businesses, and nonprofits, actually, here in the county. And I guess the question could  
23 be raised, why make the change? Well, in the past, again, there has been some animated  
24 dialogue here within the Council that projected revenues are very difficult to predict in  
25 February, when we've had to set the guideline, and as a result, you know, the Council  
26 sometimes ends up with a budget number down the road that's higher than the guideline.  
27 So what in effect we were trying to accomplish here was make this number more relevant  
28 to the process, and personal income can speak to what's affordable, whereas tax  
29 revenues don't necessarily do that. And I would note for my colleagues that Baltimore  
30 County in particular has been using the personal income indicator for some time, and in  
31 recent weeks, the committee looked closely at what percentage of personal income  
32 should be used to set the  
33 guideline, and we ultimately decided that the guideline should be 6% of total budget  
34 appropriations. And while we did that, some technical issues were raised by our senior  
35 staff. Mr. Sherer, who's here with us this afternoon, can provide a little bit more  
36 background if there are indeed questions, but basically the 6% number translates to the  
37 statutory aggregate operating budget being 5.9% of personal income. So with that, that  
38 would be the recommendation that's been provided to this body for consideration this  
39 afternoon.

40  
41 COUNCIL PRESIDENT ANDREWS:



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1 Thank you. All right, is there-- are there any questions about the proposal? OK.  
2 Councilmember Leventhal.

3  
4 COUNCILMEMBER LEVENTHAL:

5 So explain to me now, with this issue of where seven votes would be required, what if the  
6 County Executive's recommendation--recommended reserve, as we just heard the other  
7 day, that the state reserve is lower than 6%, as it very well may be.

8  
9 STEPHEN FARBER:

10 Well, we're not talking here about reserve. We're talking about a percentage of personal  
11 income, and the seven-vote requirement is triggered if the guideline for the aggregate  
12 operating budget that the Council sets-- which you will be doing next month, I believe on  
13 the 10th of February--if the budget you want to approve in May is larger than the guideline  
14 that you set. And what this change that the MFP committee has proposed does, based on  
15 a lot of work that Chuck Sherer has done over many years, is to develop a more rational  
16 way of coming up with that number. We've had 18 years of experience with this spending  
17 affordability process, and in 12 of those years, the Council has had to muster seven votes  
18 to exceed the limit that you set early in the year. You've never had trouble mustering  
19 seven votes, but you've had to do that in 12 of the 18 occasions. And as Mr. Sherer's  
20 package shows, and as Miss Trachtenberg just pointed out, the problem has been that the  
21 estimate of revenues that we get in December or January tends to be different from the  
22 estimate of revenues or resources that actually turns up in the County Executive's budget.  
23 And so the question then becomes, is there a more rational way to set this budget  
24 guideline, and the process that Mr. Sherer has recommended, and that Mr. Firestine and  
25 Mr. Beach and I strongly recommend, is to do what Baltimore County has done for many  
26 years, Anne Arundel County, and the State of Maryland itself, in its spending affordability  
27 process, also looks--not exclusively, but largely--at personal income. And that's also a  
28 better measure, as Mr. Sherer points out, of affordability. In other words, our budget  
29 should not be based on simply what the traffic can bear in terms of revenues that may or  
30 may not be coming in in a given year. It should be related, if we're talking about what's  
31 affordable, to some kind of percentage of the personal income of our county residents. It's  
32 a much better, much fairer, more rational measure. And that's been the thrust, as Miss  
33 Trachtenberg said, of the committee's work over the last year and more in trying to come  
34 up with a better way of approaching setting the budget guideline for spending affordability  
35 purposes. So it's not really related at all to the reserve question.

36  
37 COUNCILMEMBER LEVENTHAL:  
38 I understand.

39  
40 STEPHEN FARBER:



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1 But it is related to a more rational way of approaching the budget. And as  
2 Ms.Trachtenberg said this morning, as it happens, for introductory purposes, the  
3 committee's recommendation was introduced part of the consent calendar. It'll be taken  
4 up by the committee, I believe, Chuck, on the 9th?

5  
6 CHARLES SHERER:

7 That's right.

8  
9 STEPHEN FARBER:

10 There's a public hearing next week.

11  
12 CHARLES SHERER:

13 That's right.

14  
15 STEPHEN FARBER:

16 And then the committee will take it up on the 9th, and the Council on February 10.

17  
18 COUNCILMEMBER TRACHTENBERG:

19 We set the actual number, and I wonder, Chuck, if you wanted to talk a little bit about the  
20 basis for the 6% because that fits very much into the average percent if you go back and  
21 evaluate the numbers for the last 18, 20 years, if I'm not mistaken, and perhaps that might  
22 actually help explain, again, why we went to that number as quickly as we did.

23  
24 CHARLES SHERER:

25 Let me just say first, it was just a coincidence that the County's reserve is 6% of resources  
26 and the ceiling on the aggregate operating budget would be 6% of personal income. It's  
27 just a coincidence that both numbers are 6%, because the bases are quite different. If you  
28 look at circle 1, you can see some data on personal income of Montgomery County and  
29 the county's budget and then the county budget as a percentage of personal income, and  
30 that's in column H. And if you look at column H, you can see three distinct periods.

31  
32 UNKNOWN SPEAKER:

33 Where are you, Chuck?

34  
35 COUNCIL PRESIDENT ANDREWS:

36 Circle 1.

37  
38 CHARLES SHERER:

39 Circle 1, column H. It shows the county budget as a percentage of personal income. And  
40 this is the data that the committee looked at in determining that 6% was a good estimate  
41 of affordability in terms of personal income. And if you look at the first four years, the



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1 average of the county budget as a percentage of personal income was 7.1%. In the next  
2 four years, it dropped to 6.3%. And in the most recent 16 years, the average county  
3 spending as a percentage of personal income was 5.7% and ranged between 5.3% and  
4 6.0%. And in fact, the average for the entire 25-year period was 6%. So it just seemed like  
5 6% was a reasonable figure of what county residents could afford to contribute for county  
6 goods and services as a percentage of the personal income. And you can see that if you  
7 had been using 6% as your basis of calculation for the past 18 years, you'd have only  
8 exceeded the seven-vote ceiling in two years--that was the first two years--and in the last  
9 16 years, the budget that you have approved has been less than 6% or equal to 6% of  
10 personal income. So under the old method, you exceeded the ceiling in 12 of 18 years.  
11 Under the new method, it would be only the first two years of that 18-year period, and not  
12 at all in the last 16 years.

13  
14 COUNCILMEMBER TRACHTENBERG:

15 Thanks very much, Chuck.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 OK. Thank you, Chuck. Councilmember Knapp.

19  
20 COUNCILMEMBER KNAPP:

21 Thank you, Mr. President. Just to kind of follow up on that point, Mr. Sherer, so  
22 affordability is obviously somewhat of a subjective measure?

23  
24 CHARLES SHERER:

25 It is.

26  
27 COUNCILMEMBER KNAPP:

28 And so to say that we--because we came in under 6%, that somehow people think that's  
29 affordable may not necessarily be accurate. It's just a number that we got to, and so if  
30 we're picking one, it's kind of consistent with where we've been.

31  
32 CHARLES SHERER:

33 It is. That's right.

34  
35 COUNCILMEMBER KNAPP:

36 OK.

37  
38 CHARLES SHERER:

39 The way I was looking at it, people would be spending on average-- contributing on  
40 average 6% of their income for the county operations, then the other 94% remains for all

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1 the other expenses that they have.

2  
3  
4 COUNCILMEMBER KNAPP:

5 Right. So it does create a measure of consistency.

6  
7 CHARLES SHERER:

8 It does.

9  
10 COUNCILMEMBER KNAPP:

11 It's assumed that whatever it is that they've got, roughly 6% is going to go to ongoing  
12 operations for their local government.

13  
14 CHARLES SHERER:

15 That's right.

16  
17 COUNCILMEMBER KNAPP:

18 OK. Oftentimes, when you get something like this, when you especially see five or six  
19 years that are kind of an outlier--did something change from 1984 to--after 1989 that kind  
20 of rejiggered this downward? Because you're right, the first four or five years were  
21 significantly above, and then all of a sudden, we've not really been there again. So did we--  
22 something else get put in the calculation, or...

23  
24 CHARLES SHERER:

25 I don't know if there's anything. I don't know what could have caused that. But it certainly  
26 has been very consistent since 1994.

27  
28 COUNCILMEMBER KNAPP:

29 OK. At what point--what numbers do we actually use to get to the calculation of personal  
30 income? I mean, one of the things that we're wrestling with right now is we've assumed  
31 certain things in this current budget which we are continuing to find, because of the lag in  
32 the economy are not to be true, and so at what point do we actually calculate personal  
33 income, and on what set of numbers do we make that calculation?

34  
35 CHARLES SHERER:

36 This year, we had personal income estimates from two sources. There's an organization  
37 at Towson State University called Regional Economic Studies Institute, and we contracted  
38 with them to provide us a report which is in the memo here.

39  
40 COUNCILMEMBER KNAPP:

41 OK.





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1  
2 CHARLES SHERER:

3 And they estimate using econometric techniques, looking at state, personal income for the  
4 state, and what the county typically has as a percentage of the state. And so we have one  
5 set of estimates from RESI. Then the Department of Finance for years has been also  
6 projecting personal income for the county, and they use three different methods--basically,  
7 I believe it's based on time series--and they take the average of those three methods. We  
8 had those two estimates from those two organizations, and I took an average and took 6%  
9 of that.

10  
11 COUNCILMEMBER KNAPP:

12 So if, for example, in a year like this, as we use this kind of a calculation, even though we  
13 may be seeing various modulations as it relates to what we've assumed for income tax  
14 revenue, that wasn't going to require us to go back and recalculate how we've done our  
15 calculation for personal income.

16  
17 CHARLES SHERER:

18 No. We would not do that. No, sir.

19  
20 COUNCILMEMBER KNAPP:

21 So we pick whatever number we've got, and that's where we are, and then the reality is  
22 whatever the reality is.

23  
24 CHARLES SHERER:

25 That's right.

26  
27 COUNCILMEMBER KNAPP:

28 OK. And how does dealing with something like a Maintenance of Effort request, a  
29 requirement that we have like with the Board of Education, where we have certain state-  
30 mandated requirements, we can't fall below that, but there could be a situation where  
31 perhaps personal income, depending upon what happens in the economy, could be  
32 different, could end up lower. What happens? How do we... How would those two  
33 elements kind of interplay with each other?

34  
35 CHARLES SHERER:

36 I don't think that the way the Council would deal with Maintenance of Effort requirements  
37 would differ between the two methods, but what I've done for the calculation for the  
38 guidelines, I give the schools and the college the greater of Maintenance of Effort or the  
39 percentage they would get if all county agencies got the same percentage.

40  
41 COUNCILMEMBER KNAPP:



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1 OK.

2  
3 CHARLES SHERER:

4 So that's how I calculate Maintenance--do the Maintenance of Effort for the schools and  
5 the college.

6  
7 COUNCILMEMBER KNAPP:

8 So if we ended up in a situation where our personal income calculation came below the  
9 Maintenance of Effort, we would err on the side of providing the Maintenance of Effort  
10 number, and then the difference would be made up in the rest of county government.

11  
12 CHARLES SHERER:

13 And Park and Planning.

14  
15 COUNCILMEMBER KNAPP:

16 And Park and Planning.

17  
18 CHARLES SHERER:

19 Which is the way we've done it in the past.

20  
21 COUNCILMEMBER KNAPP:

22 Right. OK. So that's just consistent with what we've done previously.

23  
24 CHARLES SHERER:

25 Yes, sir.

26  
27 COUNCILMEMBER KNAPP:

28 No, I think it's a good methodology. The question just becomes, what percent and why,  
29 and so if we pick 6% at this point, are we-- you know, after we get a year or two of  
30 experience and we think it's 6.2 or we think it's 5.5, we're not locking ourselves into  
31 anything. We have the ability to come back and play with that percentage anytime we--  
32 you know, on an annual basis.

33  
34 CHARLES SHERER:

35 You could do that anytime between now and February 10.

36  
37 COUNCILMEMBER KNAPP:

38 And even then we can do it as long as we have seven votes.

39  
40 CHARLES SHERER:

41 Yes, sir. Well, no. Five votes to set the guidelines.



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1  
2 COUNCILMEMBER KNAPP:

3 It's five votes to set the guidelines, but if we want...

4  
5 CHARLES SHERER:

6 It's seven to exceed whatever guideline you set on February 10.

7  
8 COUNCILMEMBER KNAPP:

9 OK. All right. Well, so, then if we set a guideline on February 10 at 6%, and we hit April 10  
10 and decide we want to set a different guideline--

11  
12 CHARLES SHERER:

13 Too late.

14  
15 COUNCILMEMBER KNAPP:

16 OK.

17  
18 CHARLES SHERER:

19 Because you've already set the guideline.

20  
21 COUNCILMEMBER KNAPP:

22 So I need seven votes to change the guideline and to  
23 exceed the guideline.

24  
25 CHARLES SHERER:

26 You can't change it. Once you set it on February 10, that's the guideline. Then when you  
27 approve the budget in May, it requires seven votes if you exceed that.

28  
29 COUNCILMEMBER KNAPP:

30 Five votes of the Council can generally do just about anything, so...

31  
32 CHARLES SHERER:

33 But the charter specifies that once you set the ceiling on the aggregate operating budget,  
34 when you approve the budget in May, charter section 305 says you  
35 need seven votes to exceed the guideline that you previously set.

36  
37 COUNCILMEMBER KNAPP:

38 OK. So effectively, seven to exceed or seven if you wanted to change it.

39  
40 CHARLES SHERER:

41 Yes, sir.

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COUNCILMEMBER KNAPP:  
OK.

CHARLES SHERER:  
But technically, you can't change it.

COUNCILMEMBER KNAPP:  
And I'm not saying you want to. I just want to understand-- this is new, so I want to understand kind of the new rules under which we're working.

CHARLES SHERER:  
I think that-- well, this guideline as I've calculated it today would permit the aggregate operating budget to grow 4.7%. Well, that's far in excess of what it grew this year, which was 3.1%, and I believe it's even farther in excess of what you'll actually be able to approve based on projected revenues for next year. I think the budget will probably be at zero or 1% increase.

COUNCILMEMBER KNAPP:  
No, and I'm not arguing the dollars we're actually going to address.  
This is just new, so I want to understand. We've had a process for many years, so I just want to make sure, as we start down this path with a new process that we at least understand what the rules of engagement are, because it is going to be different.

CHARLES SHERER:  
And you can change the percentage each year. Let me just make sure I emphasize that 6% is really-- that would be the ceiling on something called total tax supported appropriations.

COUNCILMEMBER KNAPP:  
Right.

CHARLES SHERER:  
The aggregate operating budget is slightly less than total appropriations. It's less by the amount of the college's tuition. And the ceiling for the aggregate operating budget would be 5.9% of personal income.

COUNCILMEMBER KNAPP:  
Good. Thank you.

COUNCIL PRESIDENT ANDREWS:



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1 OK, Councilmember Knapp. I thank everybody for being here. I just remind folks who are  
2 sitting at the back table that the back table is reserved for members of the working media.  
3 So please respect that. We do have some seats available for those who are not media  
4 representatives who are at the back table. Councilmember Elrich and then  
5 Councilmember Floreen.

6  
7 COUNCILMEMBER ELRICH:

8 Any dangers in setting this at 6%? I mean, I'm thinking this year, people's incomes are  
9 likely to be drastically down. So we set a guideline this year based on last year. Then what  
10 happens next year when that guideline has to reflect this year's incomes. Are we creating  
11 a problem?

12  
13 CHARLES SHERER:

14 Well, actually, you're basing the guideline on 25 years of data, not just last year. But I  
15 would say, in response to that question, if people's incomes are going down, then the  
16 county should take-- should not take a greater percentage of the incomes, because if the  
17 county needs more money, well, the people are hurting, too. So I think you should just  
18 stick with 6%.

19  
20 COUNCILMEMBER ELRICH:

21 My question is that 6% of the incomes that are reported that we're going to be looking at  
22 for this budget may be very different than 6% of what's reported for the next budget.  
23 Right? There's going to be a year lag between the budget--the year we're approving the  
24 budget for and the year for which we've got income data to base that on. Or am I missing  
25 something?

26  
27 CHARLES SHERER:

28 Well, the personal income is for the calendar year, and it's an estimate of what personal  
29 income will be, and for Fiscal Year '10, we would be using personal income estimate for  
30 calendar year '09, which has the first six months of Fiscal Year '10 in it.

31  
32 COUNCILMEMBER ELRICH:

33 But where do we get--I mean, I didn't know of any way of getting personal income data for  
34 a partial year because you don't have W2s from anybody.

35  
36 CHARLES SHERER:

37 Personal income is not based entirely on income tax at all. It's a much broader concept  
38 than income tax that goes on returns.

39  
40 COUNCILMEMBER ELRICH:

41 This isn't a real number?



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1  
2 COUNCILMEMBER TRACHTENBERG:

3 No. It's not the adjusted gross income.  
4

5 CHARLES SHERER:

6 No, it's not. In fact, for the most recent year I had data, I think personal income was  
7 maybe \$60 billion, but adjusted gross income from income tax returns was more like \$40  
8 billion. Personal income is a very broad concept which includes-- of course includes  
9 people's incomes, but it also has government and business transfer payments. It's got  
10 some imputed income in there, as a large component of personal income is imputed  
11 income from ownership of houses.  
12

13 COUNCILMEMBER ELRICH:

14 How many counties in Maryland use this system?  
15

16 CHARLES SHERER:

17 Well, Anne Arundel. In fact, I got an interesting quote from Anne Arundel. They say their  
18 Spending Affordability Committee continues to believe that personal income, while not  
19 perfect, is the best affordability standard. So Anne Arundel County uses this method.  
20 Baltimore County. Howard County looks at it but doesn't base it entirely on personal  
21 income. And the state, as Mr. Farber said, looks closely at personal income but does not  
22 have a formula for it. Those are the counties I'm familiar with. Not everybody has a  
23 spending affordability process.  
24

25 COUNCILMEMBER ELRICH:

26 Does it have different implications for Maintenance of Effort than the current system does?  
27

28 CHARLES SHERER:

29 No, it--no.  
30

31 COUNCILMEMBER ELRICH:

32 So nothing different there.  
33

34 CHARLES SHERER:

35 No, sir. It has nothing to do with Maintenance of Effort.  
36

37 COUNCILMEMBER ELRICH:

38 OK. OK.  
39

40 COUNCIL PRESIDENT ANDREWS:



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1 OK. Thank you, Councilmember Elrich. Councilmember Floreen and then our staff  
2 director, Steve Farber.

3  
4 COUNCILMEMBER FLOREEN:

5 Thank you. Following up on some of the questions that have been asked-- and I missed  
6 the introductory exchange, so perhaps this was covered, but when the state looks at  
7 formulas for the distribution of this, that, and the other thing, will it look at this, the way we  
8 calculate this, in terms of identifying county wealth, vis-a-vis other counties?

9  
10 CHARLES SHERER:

11 I don't know. I don't think so. But personal income data is available whether we do this,  
12 calculate this way or not.

13  
14 COUNCILMEMBER FLOREEN:

15 Right. I know that. Well, of course.

16  
17 CHARLES SHERER:

18 If they want to look at the county's personal income, they can do so. I don't believe the  
19 state looks at our spending affordability process.

20  
21 COUNCILMEMBER FLOREEN:

22 Well, the question is making sure that we are...for-- at least for state distribution formula,  
23 whether the numbers that they will look at are ones that we generate or they generate on  
24 their own, and would this affect that calculation, that number. Obviously, it's a little  
25 different from what we currently use.

26  
27 STEPHEN FARBER:

28 Well, you're right. The state does use wealth-based formulas for a number of their  
29 distributions, but those are the state's proprietary formulas, and they have nothing to do  
30 with this process, and this would not affect what the state distribution formulas are at all.

31  
32 COUNCILMEMBER FLOREEN:

33 They don't look at this?

34  
35 STEPHEN FARBER:

36 They would not--

37  
38 COUNCILMEMBER FLOREEN:

39 They must look at income.

40  
41 STEPHEN FARBER:



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1 Well, certainly, they do, but they have their own measures, and that would not be affected  
2 by what we do in our spending affordability process. That would be entirely separate.

3  
4 COUNCILMEMBER FLOREEN:

5 And, Chuck, you said that Anne Arundel has precisely this approach that you're  
6 proposing?

7  
8 CHARLES SHERER:

9 They base their ceiling on letting the ceiling grow at the same percentage as personal  
10 income is projected to grow. It's very similar to what we're proposing but not identical to it.

11  
12 COUNCILMEMBER FLOREEN:

13 And what Baltimore County has is a little different, as well. They have some exceptions  
14 and things like that?

15  
16 CHARLES SHERER:

17 Yes, they do. They allow for exceptions beyond whatever the formula would give you.

18  
19 COUNCILMEMBER FLOREEN:

20 Yeah. But you're not proposing that we include that here?

21  
22 CHARLES SHERER:

23 You mean any excep--

24  
25 COUNCILMEMBER FLOREEN:

26 Exceptions of some sort.

27  
28 CHARLES SHERER:

29 I'm not proposing that, no.

30  
31 COUNCILMEMBER FLOREEN:

32 Well,  
33 what are the kinds of exceptions that they permit?

34  
35 CHARLES SHERER:

36 One-time items, I think is one. One-time expenses was one item, I recall.

37  
38 COUNCILMEMBER FLOREEN:

39 OK. Thank you.

40  
41 COUNCIL PRESIDENT ANDREWS:



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1 OK. Thank you. I don't see any other comments on this, so Council Director Steve Farber.

2  
3 STEPHEN FARBER:

4 Yeah, I just wanted to add one thing. My brother is a writer, and one of his books on the  
5 life of being a writer is called "Compared to What?" And it's a very hard life to be a writer,  
6 but compared to other lives that he could have chosen, that's the one he wanted. And I  
7 think we have to always ask ourselves when we're taking on something new like this,  
8 "Compared to what?" And what we have now, frankly, is not satisfactory. It just isn't. It  
9 doesn't work well. For example, last year and particularly this year, if we did what we've  
10 done for the last 18 years, what we would be doing is looking at revenue estimates from  
11 the Finance Department that, you know, understandably are very low. And what that  
12 would have meant is that as we added up resources at this time of year, what Chuck  
13 would have done, looking at those resources, is to give Maintenance of Effort increases to  
14 the schools and the college because that's required, and then the rest would have come  
15 out of the hide of county government and Park and Planning, the two other agencies. And  
16 what we've seen many times in the past is that the recommended agency allocation, say  
17 for the county government and Park and Planning, is down minus 6%, minus 8%, minus  
18 10%, minus 12%. And everyone knows that absent a cataclysm, that's just not going to  
19 happen. And so our process really has not had the credibility it should have had because  
20 it has such outsized and out of proportion consequences. And I think all of us believe--  
21 and I know the committee, having worked on this for more than one year--two years, right--  
22 -strongly believes that this is going to be a much better way of approaching this. It'll have  
23 much more credibility with the agencies and in the community. And so that's the reason I  
24 think we're supportive of it. Clearly, it's a work in progress, and as Chuck said, if it turns  
25 out that it has to be modified in some way, it can be. The resolution that was introduced  
26 this morning on the consent calendar, as Chuck said, provides, I believe, room for 4.7% in  
27 growth in the Fiscal '10 budget based on this 6% or 5.9% of personal income. And that, I  
28 think, is an illustration of the cushion that this process will provide compared to what we've  
29 had in the past, which has, again, led to these really unsatisfactory results at this point in  
30 time. One other point--I know, Mr. Knapp, you felt very strongly, as we talked last year,  
31 that as much as we respect the work of the Finance Department, who does--they do an  
32 outstanding job, it's also good for this Council--which, after all, is the county's fiscal  
33 authority-- to have an independent assessment of certain data, such as, for example, in  
34 this instance, personal income, which is pivotal to this calculation. And so, what we did,  
35 with the committee's support, was to contract with RESI, as Chuck said, and they gave us  
36 an independent assessment of personal income. I believe it's in this package, Chuck?

37  
38 CHARLES SHERER:

39 Yes, sir.

40  
41 STEPHEN FARBER:



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1 They gave us their report several weeks ago. And what Chuck has done is to average that  
2 with what David Platt at the Finance Department has done, and his methodology is also in  
3 this packet, and we respect it very highly. But going back, Mr. Knapp, to our discussions  
4 of last year and the committee's work, we wanted also to have-- to enable the Council to  
5 have an independent assessment of this very important data, and we have it, and we think  
6 that's a good start.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 Thank you. Councilmember Knapp,

10  
11 COUNCILMEMBER KNAPP:

12 Thank you, Mr. President. No, I appreciate your comments, Mr. Farber, and one of the  
13 reasons I was asking questions as it relates back to the consistency piece is there have  
14 been a lot of conversations over the last few years as to what are "the right numbers." And  
15 depending upon who's having which conversation with whom, "the right numbers" varies  
16 from conversation to conversation. And so one of the things I hope this will enable us to  
17 do, especially as we started this past year--in September, we had a conversation with the  
18 Board of Education and the superintendent, kind of looking at the difficulties we were  
19 going to have in a difficult fiscal climate. But my goal would be, or I hope the Council's  
20 goal would be, that as we do this, that in September, as the Board starts to put their  
21 numbers together, we have this information so they know roughly 6% of personal income  
22 is going to be a calculation that they can look to so that there--we get greater consistency  
23 as people are putting their budgets together and there's a greater level of communication  
24 as to what "the right number" is. And so hopefully, this will get us to that so we kind of  
25 eliminate some of the speculation that has occurred over the last couple of years.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 Thank you. I appreciate the hard work done by Chuck Sherer in developing this, and the  
29 good work of the MFP Committee. I don't see any other questions--oh, I see a question or  
30 comment from Councilmember Elrich.

31  
32 COUNCILMEMBER ELRICH:

33 Mike confused me for a minute. So...how does this assumption play out against our  
34 assumptions about tax rates? Because it gives us flexibility, but... but what does that  
35 mean? Does it mean--it doesn't seem to change our ability to tax, the desirability to tax, or  
36 any of those other things. It just means we don't need to vote to raise as much money as  
37 we might otherwise want to raise. That's all this does. It eliminates an extra vote if we  
38 discover we need to spend more than what our guidelines gave us under the other  
39 formula. We just don't have to have a vote to do that.

40  
41 COUNCILMEMBER FLOREEN:



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1 In other words, it's meaningless?

2  
3 COUNCILMEMBER ELRICH:

4 It just seems like we're just adopting a higher number. It seems to me we're just  
5 eliminating this vote to decide we're going to spend more than we would have otherwise  
6 under the other guidelines. We've just come up with a formula which gives us a higher cap  
7 before we have to trigger that vote.

8  
9 COUNCILMEMBER TRACHTENBERG:

10 No. No.

11  
12 COUNCILMEMBER ELRICH:

13 Because if people are going to base budgets based on this assumption and then discover  
14 that we don't have the tax capacity to meet those budgets without, for example, exceeding  
15 our charter limit on taxes.

16  
17 STEPHEN FARBER:

18 I would say on that, Mr. Elrich, that the other part of this process, which the Council  
19 approved in changing the spending affordability law last year, is that we start in  
20 September. And you may recall we did this this past September. And we get all the fiscal  
21 data we can together in September. You remember we had Miss Barrett and Mr. Beach  
22 and their colleagues over here. And what we try to do in September because that's when  
23 the schools, the college, and Park and Planning start to work on their budget. They start  
24 them a lot earlier than the County Executive has to.

25 And we wanted to make sure that they had the best possible information in the fall, and  
26 we provided them that information, and Dr. Weast, for his part, certainly took that to heart,  
27 and you can see that from the constraints in the budget that he put forward. And it seems  
28 to me that that really is the assurance we have--that we start in the Fall here in the  
29 Council, we set the fiscal parameters as best we understand them at that point in time,  
30 and that basically

31 tells the outside agencies-- the schools, the college, and Park and Planning--what we  
32 think is going to work for them. They have the right to put forward any budgets they want,  
33 and then the County Executive comes forward on March 15. What the Council will be  
34 doing on February 10 is advising the County Executive what the ceiling is in terms of  
35 affordability for the Fiscal '10 budget as far as the Council is concerned. And then the  
36 process will continue from there.

37  
38 COUNCILMEMBER ELRICH:

39 OK. I guess I just had some mis... I'm not sure what the utility of this is going to be other  
40 than--I mean, will we in fact set a guideline that's higher than any place we intend to go  
41 with taxes? We run any risk of people generating budgets based on what we've said is



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1 affordable, only to have us turn around and say, well, we said it was affordable, but we  
2 actually have no intention of raising the tax revenues to make that a reality, and will we  
3 send people off creating budgets we have no intention of funding? I mean, does this  
4 create a more realistic number to shoot for or a less realistic number to shoot for?

5  
6 STEPHEN FARBER:

7 Well, I think it is a more realistic number. It is linked to the concept of affordability. But the  
8 fact of the matter is that the superintendent has already produced his budget, and so has  
9 the college, and so has Park and Planning. I mean, those things are done.

10  
11 COUNCILMEMBER ELRICH:

12 That's part of it, but we've never discussed affordability in terms of what percent of  
13 personal income people should pay. We've talked about it in terms of are you willing to  
14 raise the tax rate a penny, two pennies, or not cut it 5 cents but cut it only 3 cents. So our  
15 discussion about affordability has never been on this side of it. It's always been on how we  
16 view people's willingness to tolerate a given tax rate. I'm just not sure what this is going to  
17 do, but if everybody else is happy, I guess I'll be happy, too.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 Chair Trachtenberg, then Councilmember Knapp.

21  
22 COUNCILMEMBER TRACHTENBERG:

23 OK. Well, I guess, you know, my perspective on this, Marc, is that what we had in place  
24 really wasn't necessarily that relevant and meaningful, and we're attempting to get to the  
25 right place here. And I don't think this necessarily is the final iteration. It just puts us, I  
26 think, in a better place because we're now going to ratchet up the conversation around  
27 affordability. And maybe there are additional things we're going to need to do down the  
28 road, but I like to--I'm looking at this as one step of several that no doubt need to be taken  
29 to get us into a different place. And I would also note that in the two years that I've been  
30 on that Management and Fiscal Policy Committee and serving as chair, we've had six  
31 different members, five on this current Council, and pretty much there's been consensus,  
32 majority consensus, for a long period of time that what we were doing didn't make a lot of  
33 sense and we needed to try something else. So I want to applaud, certainly, the efforts of  
34 our staff--both Mr. Farber, but especially Mr. Sherer-- for walking us through this and  
35 getting us to this point. And I would suggest, Marc, that we'll be monitoring this, and if  
36 there's more tweaking that needs to happen, especially after we go through this year's  
37 budget exercise, we'll do the tweaking, and I would encourage you to provide us with  
38 ideas because if there's one thing I can say about MFP members is, we're all ears.

39 We like to hear from our colleagues.

40  
41 CHARLES SHERER:

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1 The charter requires you to set a ceiling. You've got to do that to comply with the charter.  
2 And the question is, how do you calculate that ceiling? And the committee thought that  
3 this was a better way to calculate than the way we used to do it.

4  
5 COUNCIL PRESIDENT ANDREWS:

6 Mm-hmm. OK. Councilmember Knapp.

7  
8 COUNCILMEMBER KNAPP:

9 I'll be real quick. To your point, does it necessarily change the level of expectations? No,  
10 but it gives us some benchmark that says generally we think, given past practice, that 6%  
11 of personal income has generally been an affordable number. In a bad economic time like  
12 we've got this year, it still, as Mr. Sherer indicated, we may still end up at zero, .1%, .2%,  
13 but it gives us at least something that says this has generally been an affordable number  
14 in the past and gives us something to talk about as we start putting our budgets together.  
15 But that doesn't preclude us, very early on in discussion, saying, in spite of what may  
16 appear to be affordable, we may still not be able to get there, and so don't expect to  
17 exceed a certain number. So that's why I think we've got to kind of see what happens over  
18 the course of the next couple of years, but we're still going to have to manage  
19 expectations.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 OK. All right. With that, I don't see any other lights, and we will go ahead and then vote on  
23 this MFP Committee report and recommendation on spending affordability calculations as  
24 a method for the operating budget, and then we'll see the actual numbers in the next  
25 couple of weeks. All those in favor of this report and recommendations, please raise your  
26 hand. All right. That is unanimous among those present-- Councilmember Elrich,  
27 Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President  
28 Berliner, Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal.  
29 That is adopted 8-0. All right. We'll now move on to the District Council session, and we  
30 have action on the amendment to the Master Plan for Historic Preservation--Damascus-  
31 Goshen Resources. And this is a follow-up to our earlier work session of a few weeks ago.  
32 I will turn to the chair of the Fed committee, Councilmember Knapp.

33  
34 COUNCILMEMBER KNAPP:

35 Thank you, Mr. President. I appreciate it. If people look at their packet, on circles 3 and 4  
36 of the packet, it outlines all of the various resources that have been identified either for  
37 inclusion in the Master Plan for Historic Preservation, the Locational Atlas and Index of  
38 Historic Sites, or those properties that the Council has recommended removing from the  
39 Locational Atlas and the Index of Historic Sites. And so I just want to put people there so  
40 that they understand the reference points. There are--in the course of conversations since  
41 we had the last work session, we have received two letters that I'm aware of, one from



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1 Tim Duvall and Sherry Duvall Lloyd ????? referencing...Let me make sure I've got the  
2 right property. The Rezin Duvall farm. And we also received a letter from Pamela Stabler  
3 Velisec????? referencing the King farm, and a motion was made, I believe by myself, at  
4 the previous work sessions to remove those from either the historic atlas or from putting in  
5 the Master Plan itself. So I cannot, being on the losing side of that, cannot call that back,  
6 but I just wanted to raise those letters to my colleagues' attention, if there was interest in  
7 doing anything on those two parcels. I believe there is interest, and I am having a  
8 conversation as it relates to Friendship Church, which is 15-115 on the part of Mr.  
9 Leventhal, who is now approaching his seat. That's OK. So I will turn to Mr. Leventhal to  
10 see if there's any action he would like to suggest for the Council to take on that property.

11  
12 COUNCILMEMBER LEVENTHAL:

13 Thank you, Mr. Chairman. I was just conferring with the pastor of the Friendship Church,  
14 and that church requests that its designation be removed from the Master Plan for Historic  
15 Preservation. The church has no intention of demolishing its historic building. However, it  
16 has concerns about what historic designation would mean for signage and for its ability to  
17 expand its meeting space. I think this is a very important issue for the Council to consider.  
18 If we are going to acknowledge the role that African-American churches have played in  
19 the county's history, and if as a result of acknowledging that role by designating historic  
20 property, we end up restricting the ability of that African-American congregation to survive  
21 and thrive in the 21st century, I think we are defeating our purpose. So at the request of  
22 the church--the pastor is here-- I'm requesting that this property, the Friendship Church,  
23 be deleted at the church's request from the Master Plan for Historic Preservation.

24  
25 COUNCILMEMBER KNAPP:

26 Second.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 OK, that's a motion by Councilmember Leventhal and was seconded by Councilmember  
30 Knapp. Is there a discussion on that? I see Councilmember Elrich and Councilmember  
31 Ervin.

32  
33 COUNCILMEMBER ELRICH:

34 I went down to Park and Planning last week and asked for them to go over with me the  
35 issue of churches and expandability, and they put together a slide presentation to show--  
36 give me examples, because my question was, you know, your question. Will they in fact  
37 impair the ability to put up signs or impair the ability of people to add additional buildings  
38 to sites? I was persuaded, and I don't know whether you all want to go through, if you  
39 have the opportunity or the presentation ready to show the Council what has been  
40 approved. Because what I was struck by is they've approved perfectly hideous signs on  
41 historic churches and absolutely horrendous additions to historic churches and buildings



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1 alongside which have no, you know, have minimal to little historic context with buildings  
2 that are already there. So I didn't see the expandability issue. It didn't seem to me that the  
3 Historic Commission had prevented churches from adding  
4 signage or adding expandability, and what I wanted to encourage was a discussion  
5 between the church and the folks at Park and Planning who work in this historic area to  
6 look at what their concerns were, what they think they want to do, and see whether in fact  
7 it's likely that what the Commission does would impair their ability to expand. I mean, what  
8 I'm hearing is people saying, "I think this could impair me," but it's not clear to me that in  
9 fact they would be impaired by this. And so I'd like--you know, if they want to, if they're  
10 prepared to go through and show us some of what they have done, I'd like them to do  
11 that. I think we ought to--

12  
13 COUNCIL PRESIDENT ANDREWS:

14 All right. Let's take a look.

15  
16 CLAIRE KELLEY:

17 For the record, Claire Kelley with the Historic Preservation Office in the Planning  
18 Department. We have over 41 churches that have been designated on the Master Plan for  
19 historic preservation both individually and in historic districts. Changes have been  
20 approved through the Historic Area Work Permit process and the development review  
21 process. As you know, the HPC approves--

22  
23 COUNCILMEMBER LEVENTHAL:

24 Could I just--may I ask a question right at that point?

25  
26 COUNCIL PRESIDENT ANDREWS:

27 Yeah, go ahead.

28  
29 COUNCILMEMBER LEVENTHAL:

30 That process, the historic permit work process and the development review process,  
31 would be obviated. There would be no need to go through those processes unless the  
32 property were designated historic. Am I correct?

33  
34 CLAIRE KELLEY:

35 The Historic Area Work Permit process is for churches that are designated under the  
36 Master Plan.

37  
38 COUNCILMEMBER LEVENTHAL:

39 Indeed. Indeed.

40  
41 COUNCILMEMBER KNAPP:



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1 Or on the Locational Atlas.

2  
3 COUNCILMEMBER LEVENTHAL:

4 Yes, OK.

5  
6 COUNCILMEMBER KNAPP:

7 So either of those would require--

8  
9 COUNCILMEMBER LEVENTHAL:

10 And so just that level of additional review does, let's acknowledge, impose a time delay, a  
11 cost burden, a requirement probably for additional professional assistance--potentially  
12 additional architectural help, maybe even legal counsel-- that, absent the historical  
13 designation, the church would not have to pay for with its limited, very limited resources.  
14 Am I missing something?

15  
16 SCOTT WHIPPLE:

17 For the record, Scott Whipple.

18  
19 COUNCILMEMBER TRACHTENBERG:

20 No.

21  
22 SCOTT WHIPPLE:

23 The HPC reviews all applications within 45 days, and the majority of our applicants come  
24 in without lawyers and many without architects. So there isn't any requirement for either.

25  
26 COUNCILMEMBER LEVENTHAL:

27 What about plans, additional paperwork?

28  
29 SCOTT WHIPPLE:

30 There is an application, yes.

31  
32 COUNCILMEMBER LEVENTHAL:

33 So, at a minimum, there is an additional application required, an additional layer of  
34 uncertainty because you have to go through this approval process. You might get it, you  
35 might not get it.

36  
37 SCOTT WHIPPLE:

38 Correct.

39  
40 COUNCILMEMBER LEVENTHAL:

41 And perhaps a 45-day delay--maybe shorter, maybe longer.





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1  
2 SCOTT WHIPPLE:

3 Correct.

4  
5 COUNCILMEMBER LEVENTHAL:

6 OK. Well, one can understand where those additional burdens would cause a concern for  
7 the church. I just want to make that point.

8  
9 COUNCIL PRESIDENT ANDREWS:

10 OK. All right. Go ahead.

11  
12 CLAIRE KELLEY:

13 OK. So, I just wanted to go through some examples of projects that have gone through  
14 this Historic Area Work Permit process that have been reviewed by the HPC to give you  
15 an idea of the range of projects that the HPC reviews. I'd also like to say that there are tax  
16 credits from the state for eligible projects, even for churches. There are also grants that  
17 are available both from the HPC and, for example, from Heritage Montgomery that have  
18 been done for churches for projects including signs, markers, and even bricks and mortar  
19 restoration work. Next slide, please.

20  
21 COUNCILMEMBER LEVENTHAL:

22 Did you say there were tax credits available?

23  
24 CLAIRE KELLEY:

25 State tax credits.

26  
27 COUNCILMEMBER LEVENTHAL:

28 Churches don't pay taxes.

29  
30 SCOTT WHIPPLE:

31 That's right, and the state tax provides-- is a credit refund, and so whatever percentage of  
32 the credit is in excess of a taxpayer's tax obligation is provided as a refund. So nonprofit  
33 organizations, including churches, are eligible.

34  
35 COUNCILMEMBER LEVENTHAL:

36 So they would cut a check to the church?

37  
38 SCOTT WHIPPLE:

39 Under the way the law is currently drafted, that's correct.

40  
41 COUNCILMEMBER LEVENTHAL:



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1 Even if the church had zero tax liability?

2  
3 SCOTT WHIPPLE:

4 That's correct.

5  
6 CLAIRE KELLEY:

7 So on the spectrum from the small scale of things, the HPC reviews signs. They approved  
8 these two wooden signs at the Takoma Park Presbyterian Church. The one in the center  
9 is the older, historic sign. And HPC--the church came in to propose having new signs  
10 constructed, and these were approved with the Historic Area Work Permit process. Next.  
11 The St. Paul's Church in Sugarland. An African-American congregation wanted to  
12 construct a historic marker, and HPC gave them a grant to do this, so the grant funded the  
13 construction of this marker that tells the history of the church. Next. Temporary signs do  
14 not require Historic Area Work Permits, so this type of sign would not have to be  
15 reviewed. Next. And this is All Saints Church on Chevy Chase Circle. They came in to  
16 propose installation of new glass doors, and the HPC approved the installation of glass  
17 doors. The ones shown here are actually on the addition to the church that the HPC  
18 approved, and then the HPC approved another Historic Area Work Permit to have the  
19 glass doors installed on the historic church. Next. Going back to St. Paul's Church in  
20 Sugarland, now we're talking about additions to historic churches. This is a modest  
21 addition on the back of the church. It was approved by the Historic Preservation  
22 Commission. It accommodates bathroom facilities, which this historic church didn't  
23 originally have. Next. A rear addition on the Goshen Methodist Church--again, a modest  
24 rear addition which includes bathrooms. Next. The Salem United Methodist Church is in  
25 the Brookeville Historic District, and it faces Georgia Avenue. Next. And a number of  
26 additions were approved on this church, a number of Historic Area Work Permits,  
27 including rear additions, a covered walkway connecting the church with the education  
28 building, a brick walkway and garden, and handicapped access ramp. Next. Now, St.  
29 John's church in Olney, the congregation proposed a columbarium, which is on the  
30 foreground in this view. It's between the cemetery and the church, and it's to hold,  
31 basically, walls to hold the cremation urns, and the next slide shows you the before and  
32 after. And the top is a before, and it includes brick walks, includes these walls and  
33 structures that were all approved by the HPC. Next. And in this view of St. John's Church,  
34 you see the church on the left, and you see a whole evolution of construction that's gone  
35 on at the church. There's a school associated with the church. All of this construction was  
36 not approved by the HPC. Some of it is out, so most of it is outside the environmental  
37 setting. But it does show an evolution of construction and the kinds of additions that the  
38 HPC favors which keep the construction of the separate historic building, and then you  
39 can see the new construction as separate buildings. The Neelsville Presbyterian Church  
40 on 355 going up to Germantown. The historic church is on the far right in this view. There  
41 is a 1933 addition to the left of the historic church and then a new sanctuary.



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1 And again, in this case, the new sanctuary is on a separate parcel, but it is the kind of  
2 addition, new construction, that the HPC approves, keeping the historic building separate  
3 and intact and allowing--yet allowing new construction. Next. And the same with the St.  
4 Rose of Lima Church. The historic church is on the left, and the new sanctuary is to the  
5 right. Layhill Methodist Church is shown on the left. To the back of it is an education  
6 building, and then behind that is a new sanctuary. Next. And the Poplar Grove Baptist  
7 Church is an African-American church. In this case, their new sanctuary is a completely  
8 separate building, but again, you can see the historic building as a discrete structure.  
9 Oakdale Church in Norwood. The historic church is on the left, and it was--when it was  
10 designated, it had a rear addition, as shown on the left in this slide, and then the new  
11 sanctuary and the education building are to the right, and the HPC approval included new  
12 parking spaces in front of the historic church, but that are actually within the environmental  
13 setting of the historic church.

14  
15 COUNCILMEMBER LEVENTHAL:  
16 May I just ask, how many more slides are there?

17  
18 CLAIRE KELLEY:  
19 That's about it.

20  
21 COUNCIL PRESIDENT ANDREWS:  
22 OK. Good. Good timing.

23  
24 CLAIRE KELLEY:  
25 I just wanted to show you the range from small to big.

26  
27 COUNCILMEMBER LEVENTHAL:  
28 I really appreciate it.  
29 It's a very, very helpful presentation.

30  
31 COUNCIL PRESIDENT ANDREWS:  
32 It was. And actually, let me go-- thank you very much for that. Councilmember Elrich, do  
33 you have any other comment you want to make? And then I'm going to go to  
34 Councilmember Ervin, Floreen, and Leventhal.

35  
36 COUNCILMEMBER ELRICH:  
37 I just want to say that you--this-- having this presentation was really helpful to me because  
38 I thought--I think there is a legitimate question, but what I see in this is a willingness of the  
39 Historic Preservation folks to be very flexible, particularly with churches, and to approve all  
40 kinds of stuff. And so I don't think that a 45-day delay in the process is an onerous burden,  
41 and I think that, you know, the benefit is, you wind up preserving historic resources. And I



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1 think the issue isn't-- I hope it doesn't come down to that we're going to wind up on  
2 everything looking and saying, does the owner think this is historic or not? Because that's  
3 not the way historic issues are traditionally viewed. I hope we make decisions about  
4 historicity based on historicity and then, you know, try to be flexible and find ways to both  
5 preserve that and then preserve opportunities for the churches to expand. And I thought  
6 their presentation, at least to me, was persuasive that designations here would not be  
7 tantamount to eliminating the church's expansion or ability to erect signs.

8  
9 COUNCIL PRESIDENT ANDREWS:

10 Thank you, Councilmember Elrich. Councilmember Ervin?

11  
12 COUNCILMEMBER ERVIN:

13 Thank you very much. I really appreciated the presentation also. I see in the audience that  
14 Reverend Tim Warner has joined us, and I'm not sure if Reverend Warner would like to  
15 come to the dais, but... Are you representing yourself, or are you representing the County  
16 Executive, or...

17  
18 REVEREND TIM WARNER:

19 I came here today ????? the County Executive's ????? only because the pastor--

20  
21 COUNCIL PRESIDENT ANDREWS:

22 Well, come on up.

23  
24 COUNCILMEMBER LEVENTHAL:

25 If you're going to speak, you've got to speak into the microphone.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 And push the button, and go ahead and introduce yourself, please.

29  
30 REVEREND TIM WARNER:

31 Thank you. I'm Reverend Tim Warner. I'm the Community Liaison for Faith Communities  
32 in the County Executive's Office of Community Partnerships. And I'm here because I was  
33 contacted by the pastor about this issue as the faith community's link to county  
34 government, in answer to your question.

35  
36 COUNCILMEMBER ERVIN:

37 And do you have any viewpoint at all on the topic that we're discussing right now? And if  
38 so, would you elaborate?

39  
40 REVEREND TIM WARNER:



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1 I certainly do. Many of you are aware that I'm a pastor of a church in an area of the county  
2 where there are many historic churches, and the one I was pastor in--St. Mark's in Boyds--  
3 is also a historic church. But in general, there are many issues in dealing with county  
4 government around land use issues that are particularly onerous for faith communities.  
5 And they become even more difficult for faith communities that are small and that serve  
6 traditionally marginalized sectors of our community, such as African-American churches.  
7 The expertise in the congregation and the financial basis to do some of the things that are  
8 required through this process are simply not in some of these congregations, and even  
9 small changes and delays can very adversely affect congregations. Further, particularly in  
10 the upcounty, the view of many churches is that it is impossible for many of the small  
11 churches to grow in that area because of the restrictions that are placed on the various  
12 parts of our county government. And so we don't have a particularly good look to that  
13 sector of our community.

14  
15 COUNCILMEMBER ERVIN:

16 Thank you for that. Do you have any specific examples that you could elaborate on just to  
17 give us a sense--if you can tell us what you're talking about specifically when you say, you  
18 know, that some of these decisions that have been made in the past have been onerous  
19 on churches. You were talking about churches in the upcounty, small African-American  
20 historic churches. Can you give us a little bit more information about that?

21  
22 REVEREND TIM WARNER:

23 I think the best one, example, is an example of the church where I served before coming  
24 to county government. It was designated historic, but they were very clear when I arrived  
25 that they had been restricted from doing anything else to the outside of their building. And  
26 when we got to a point where we were ready to grow, it became more difficult for us,  
27 because it would have meant knocking a wall out and expanding the entire space. But yet,  
28 there wasn't quite enough revenue to go and purchase land. Many of these places are  
29 landlocked to develop a larger building where you could attach it to the other one, as  
30 some of the pictures that you saw here. So that was always a problem for us, and it kept  
31 us from growing as freely as we wanted to. The overall question in my mind is whether  
32 congregations, faith communities, are free to grow in place. And I'm not sure where the  
33 law is on that, but I think increasingly it seems that the  
34 answer is no to that question, and I think that's something that we really need to address.

35  
36 COUNCILMEMBER ERVIN:

37 OK. In regards to the Friendship Church that's--that we're discussing right now, what kind  
38 of information do you have regarding that church, and are you in touch with the  
39 congregation there?

40  
41 REVEREND TIM WARNER:



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1 I'm in touch with the pastor of the church, and the pastor of the church is here, so she  
2 could actually speak better than I could, if you would rather hear from her.

3  
4 COUNCILMEMBER ERVIN:

5 I think if it's germane to the conversation. I believe it is, if Pastor--

6  
7 COUNCIL PRESIDENT ANDREWS:

8 OK. We can hear briefly. Good afternoon. Please introduce yourself. Press the button.

9  
10 REVEREND FRANCIS STEWART:

11 I am Reverend Francis Stewart, pastor of Friendship United Methodist Church. Friendship  
12 is in a community that began as an African-American community, and now our church is  
13 the single entity that's in that community, and we are trying to grow and expand in being  
14 an outreach to that community, but we feel very hindered by some of the things that we've  
15 seen with other small churches, such as the Boyds Church, in having the opportunity to  
16 expand where they are. We are landlocked, as are many African-American churches, and  
17 our congregation has looked at the fact that we have very strong historic roots in our  
18 community, and we want to be a very real presence there. But the ability for us to do  
19 much expansion--the way our church is situated, there is an egress that takes--that allows  
20 people to drive through to go to another part of the community that's behind our church.  
21 We're landlocked on one side because of a cemetery and those kinds of things, and then  
22 there is some other land past that. We see very difficult--we've had an architect come in  
23 and try to draw up some plans for us to be able to expand on one side of the building and  
24 that kind of thing, so... We have not had that under review by the Historical Preservation  
25 group because we haven't done it yet. But this was something that we didn't expect we  
26 had to do when we had all of these plans drawn up, and now we feel like we're locked and  
27 hindered in what we need to do.

28  
29 COUNCILMEMBER ERVIN:

30 Well, thank you very much for coming to the table, and I will-- I'm done.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 OK. Thank you. Thank you very much. The, uh--

34  
35 COUNCILMEMBER ELRICH:

36 Can I ask her a question?

37  
38 COUNCIL PRESIDENT ANDREWS:

39 Yes, OK. And I'll add, I hear and understand your concern, but I have to say, what I took  
40 away from the presentation is that



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1 there's flexibility built in to respond to the desires, interests, of churches to grow, expand,  
2 and so on.

3  
4 REVEREND FRANCIS STEWART:

5 I had no idea there was going to be a presentation. I'd like to have come better prepared  
6 for one myself--with one myself, but I wasn't aware of that. In looking at some of the  
7 pictures and seeing the signage, that was one of the issues that our church had. We had  
8 already gone and--our church is in a location right on Route 27 that is a very high traffic  
9 area. We've had several occasions within the past year where people have knocked down  
10 the barriers that we have on the road that are made architecturally--you know, historically  
11 the way they were a hundred years ago. They've knocked down our sign that identifies our  
12 church. And so we decided, because we are trying to be bigger and better--we got a  
13 bigger sign. We invested in that. And as my trustee chair had gone to the county permit  
14 office to get a permit to put the sign up, that we've already purchased that's in our shed  
15 waiting to be, you know, mounted, we found out that we had this obstacle. We couldn't  
16 even get a permit because we had to go through this. Now we've got a sign, and it's a  
17 huge sign, and it's not like the sign we had, and I didn't see anything in her presentation  
18 that was indicative of the kind of sign that we have that they would approve, so I'm  
19 questioning, you know, whether that would be acceptable or not. I don't know.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 OK. There are a number of lights. Let me see if anyone other than Councilmember Elrich  
23 has a question for you and so I will go to Councilmember Elrich and then go to  
24 Councilmember Floreen, Leventhal, and Berliner. Councilmember Elrich.

25  
26 COUNCILMEMBER ELRICH:

27 I just want to be clear. You all haven't talked with each other.

28  
29 REVEREND FRANCIS STEWART:

30 We have talked with each other.

31  
32 COUNCILMEMBER ELRICH:

33 Have you-- I mean, have you reviewed a proposal from them?

34  
35 REVEREND FRANCIS STEWART:

36 No, no, because we have not submitted it yet. We didn't know that we had to do that. We  
37 had already made this investment and everything, and that's when we found out, when we  
38 went to get the county permit, that this was another obstacle that we had to deal with. So  
39 we didn't do it. We just hadn't done it. We wanted to address--the major issue right now is,  
40 how did we get to be designated this way and we were not aware of it and any of those  
41 kinds of things? This just came as a total surprise to us.



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1  
2 COUNCILMEMBER ELRICH:

3 Might I just say that I've heard of other people not aware of sign requirements who've  
4 procured signs? And I mean, the county has sign laws. There are these things out there. I  
5 don't understand why they-- you know, personally, from my point of view, I don't  
6 understand how things shouldn't apply equally to churches and non-churches. Mr. Warner  
7 raised the issue of restraints, but you know, on environmental issues, for example, you  
8 know, expansion of sewer and water capacity and perkability ?????-- those are  
9 necessary, I think, environmental additions, ????? and we need to abide by what I think  
10 are necessary environmental regulations. I mean, it can't be that--I'd love to know whether  
11 you think they should be routinely exempted from everything the county does.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 Well, actually, that is-- that's not really the question before us today. Let's stick to the  
15 question before us because we--

16  
17 COUNCILMEMBER ELRICH:

18 I raised it. I was curious about it.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 Well, I think we can just focus on the issue before us today. I want to go on to  
22 Councilmember Floreen, unless you have another question.

23  
24 COUNCILMEMBER ELRICH:

25 No.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 OK. Councilmember Floreen.

29  
30 COUNCILMEMBER FLOREEN:

31 Thank you. We could have quite a conversation about how we have restricted the ability  
32 of churches to expand in this county, which I regret. Reverend Warner, we'll engage you  
33 in that at some other point--typically, water and sewer issues. But I have a question about  
34 the slideshow. What about the--are those the plans that were submitted that we saw the  
35 result of, or we saw the end result of a negotiation for all those churches? Do you know?  
36 Probably--you know-- presumably, those plans changed, or maybe they didn't. I don't  
37 know. How did that process work for those churches? Were their plans approved in 45  
38 days every time?

39  
40 CLAIRE KELLEY:





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1 Well, we don't have statistics for these projects. I can tell you that when people come into  
2 our office, we talk with them before they even submit plans, typically, and we talk with the  
3 congregations and look at plans. We also encourage them to submit preliminary plans to  
4 get feedback from the HPC before they go down a road.

5  
6 COUNCILMEMBER FLOREEN:

7 So it's a--it's a negotiation process, to a large degree. Is that fair to say?  
8

9 CLAIRE KELLEY:

10 Yes.  
11

12 COUNCILMEMBER FLOREEN:

13 So, I mean, that is the point that I think people are making. While the end result is what  
14 we've seen--and we appreciate that you approve stuff--that may or may not be what the  
15 congregation wanted to do,  
16 right? Is that fair to say? They may have had another idea that you may have improved. I  
17 don't know. But it might be different, it might be the same.  
18

19 CLAIRE KELLEY:

20 That's right.  
21

22 COUNCILMEMBER FLOREEN:

23 Is that fair to say?  
24

25 CLAIRE KELLEY:

26 Yeah.  
27

28 COUNCILMEMBER FLOREEN:

29 I mean, that is the process. Presumably, there are plans that haven't been approved. I  
30 mean, is that fair to say?  
31

32 SCOTT WHIPPLE:

33 Yes.  
34

35 CLAIRE KELLEY:

36 There is some small percentage of the projects that are submitted that are not approved,  
37 yes.  
38

39 COUNCILMEMBER FLOREEN:

40 Some things don't work for you.  
41



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1 SCOTT WHIPPLE:

2 We disapproved three projects last year. Of all the projects that we saw, we did not  
3 approve three.

4  
5 COUNCILMEMBER FLOREEN:

6 And those are the ones that got to the point of having you make a decision. Presumably  
7 you had some other conversations with folks and said, "That's not going to work," and so  
8 they didn't submit something.

9  
10 SCOTT WHIPPLE:

11 Perhaps. Of the 178 applications that were submitted, three were rejected.

12  
13 COUNCILMEMBER FLOREEN:

14 I'm not being critical. I'm just saying, that is how it works. You encourage people to come  
15 in, and they may have a project that is approvable. There may be a point of disagreement  
16 that you work out in the process. Maybe most get approved. I don't know. But there is X  
17 amount of time that's associated with this, independent of the ordinary permitting process,  
18 that this adds to it. Does this come--this comes prior to anyone can get a building permit,  
19 right?

20  
21 SCOTT WHIPPLE:

22 Correct.

23  
24 COUNCILMEMBER FLOREEN:

25 So they can't go for building permit-- do they do it concurrently with you, or how does it  
26 work?

27  
28 SCOTT WHIPPLE:

29 When somebody goes into Department of Permitting Services to get a building permit, if  
30 DPS identifies them as historic, they tell them that they have to get a Historic Area Work  
31 Permit.

32  
33 COUNCILMEMBER FLOREEN:

34 So then they go through this process with you, and when they're completed with you, then  
35 they go back to permitting?

36  
37 SCOTT WHIPPLE:

38 That's correct.

39  
40 COUNCILMEMBER FLOREEN:



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1 Yeah. So there's X amount of, you know, days, months, or whatever, associated with your  
2 part of this.

3  
4 SCOTT WHIPPLE:

5 The law requires that we review and act on completed applications within 45 days.

6  
7 COUNCILMEMBER FLOREEN:

8 Yeah. And you do do that always?

9  
10 SCOTT WHIPPLE:

11 There are times that applicants postpone, but yes, we have a 100% record of acting within  
12 the 45 days, notwithstanding when applicants asked to continue something to the next  
13 hearing or to a future hearing.

14  
15 COUNCILMEMBER FLOREEN:

16 So the point is that, you do approve projects. It adds some time. Some things get  
17 approved, some things get adjusted, and some things don't get approved. Right? And it's  
18 probably, because everything is unique, you can't tell anyone. You can't tell Friendship  
19 Heights--I mean, Friendship Church today, without knowing exactly how their sign looks at  
20 this point whether or not you're going to approve it. Right?

21  
22 SCOTT WHIPPLE:

23 Correct.

24  
25 COUNCILMEMBER FLOREEN:

26 Because it depends on the context, and that is--that is their challenge, right? Because  
27 they--agreeing that there's an education process that we need to do better at-- educating  
28 the community of what the burden is and what the expectation is. There's a certain  
29 amount of discretion involved in the whole review process, right?

30  
31 JEFF ZYONTZ:

32 And part of the discretion is actually the Council's, when it puts in such things such as  
33 being lenient toward all additions toward the rear, that's taken seriously.

34  
35 COUNCILMEMBER FLOREEN:

36 Yeah. Well, that's good to know, good to know. I just want to make the point that the  
37 slideshow showed the product of these negotiations, but not--the positive products, but  
38 not necessarily the ones that didn't quite make it, or the changes that occurred. And that's  
39 fine, but I think that's another part of the story, and that's the unpredictable part where  
40 Reverend Warren, I think, and the members of the religious community have some  
41 concerns.



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1  
2 COUNCIL PRESIDENT ANDREWS:

3 Thank you. Councilmember Leventhal, then Council Vice President Berliner.  
4

5 COUNCILMEMBER LEVENTHAL:

6 Yeah, I really appreciate Councilmember Floreen's

7 questions. I think they were right on point. I'm going to stick with my motion. I did very  
8 much appreciate the presentation, and it's encouraging to know that we have so many  
9 church properties where the historic properties have been preserved. And I'm glad--and  
10 the sense I get from the presentation is that it is often a happy encounter when the church  
11 goes to the historic preservation, through the work process. And I'm glad to know that, and  
12 I would certainly encourage all staff at the Planning Board to be as user-friendly and open  
13 and receptive as possible. So I don't know what the outcome of this vote will be, and I  
14 don't know, Reverend Stewart, what processes or additional bureaucracy the church may  
15 have to navigate. If my motion is unsuccessful-- I am going to stick with my motion, but if  
16 it's unsuccessful, I certainly hope that the result of the negotiations and the bureaucracy  
17 and the permitting that you will need to go through ends up with a happy outcome. And I  
18 would certainly hope that in all of those cases, you know, people walk away happy. As  
19 Councilmember Floreen pointed out, there will be some cases where applicants will walk  
20 away unhappy. Let's hope that's not the case in your case. It need not be elaborated. We  
21 are not talking about an environmental issue here. We're talking about an issue of historic  
22 preservation. Historic preservation is an

23 important goal. I would say that allowing churches to realize their own vision and utilize  
24 their own property is also an important goal, and in many cases here, we try to reconcile  
25 competing policy goals. Again, I don't know on which end of this the Council will come out.  
26 It feels a little odd to me that a bunch of us who have never worshiped at your church--  
27 although I'd like to visit at some point--are going to know better than the church what the  
28 church ought to be able to do with its own property and how it ought to realize its own  
29 vision. It just doesn't feel real good to me that in few minutes here, we may vote to let you  
30 know that we think we know better than you how you might utilize your own historic  
31 property. But we'll see what the result of the vote will be. I am going to stick with my  
32 motion. But again, I'm very grateful to the Historic Preservation staff. It appears that they  
33 are, in some cases, bending over backward to accommodate churches and enable  
34 churches to realize their vision, and so even if my motion is not successful, Reverend  
35 Stewart, this clearly has been a useful educational experience for you insofar as what you  
36 might have to encounter and what kinds of things might be feasible for the Friendship  
37 Church, and I wish great success and the ability to realize your vision to your church.  
38

39 COUNCIL PRESIDENT ANDREWS:

40 Thank you, Councilmember

41 Leventhal. Council Vice President Berliner?



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1  
2 COUNCIL VICE PRESIDENT BERLINER:

3 Mr. Zyontz, as our legal counsel with respect to this matter, is there a basis in the law for  
4 distinguishing between churches and other properties with respect to how we apply our  
5 historic ordinances?  
6

7 JEFF ZYONTZ:

8 No. In fact, it might be a problem if there were. We treat properties as being historic for  
9 what they are, not because they are religious or nonreligious.  
10

11 COUNCIL VICE PRESIDENT BERLINER:

12 I appreciate that, because, you know, the Fed Committee will be dealing with another set  
13 of nonprofits as it relates to the Grosvenor property, and they have a similar tale of woe.

14 They are nonprofits, and they

15 are saying, my goodness, you are going to encumber our property and encumber our  
16 way of disposing of that property, and those of us on this side have to struggle with the  
17 issue of, is the property historic? And if it is historic, is it appropriate for us to impose some  
18 limitations with respect to how that property can, in fact, be developed? So we struggle  
19 with this. It is among the most uncomfortable conversations that we have. No one likes to  
20 impose undue burden on any of our citizens, and no one up here does. Let me second  
21 Councilmember Leventhal's observations that if this motion doesn't pass, that our hope  
22 and expectation is that you will be dealt with fairly. And my personal request to you would  
23 be that when you engage that community, that you keep us informed with respect to it so  
24 that we can use this as a case study to understand how people are dealt with. OK? I will  
25 say that I think that the conversations we've had with respect to these sets of issues does  
26 raise the larger issue of this ordinance and how it treats property owners and whether or  
27 not we have the balance struck properly. I'd raised this previously and when we had the  
28 conversation at the work session, because I think it's impossible for us to do this on an  
29 individual case-by-case basis--to take a look at this, hear your heartfelt, understandable  
30 concern and figure out, oh, do we make an exception for you? And I don't see the basis  
31 upon which we can do that, as much as I would like to say, "Gosh, you have a compelling  
32 case" because I don't get it on the historic nature. I get it--this is going to be a burden. And  
33 I promise you, we hear that all the time. We heard that when we had the McMansion bill.  
34 We were placing a burden on homeowners. They could not develop their property the way  
35 they wanted to develop their property, and we said, "You know what? You're right. You  
36 can't, because we believe there's a competing issue here that is more important than your  
37 unfettered right." So you have a wonderful historic property, a lovely church, that was  
38 brought to our attention because we wanted to honor the contribution of your community  
39 to our larger community--to honor it. And in the process, we find that in honoring it, we  
40 have burdened you. OK? And now we have to work our way through how to both honor  
41 that structure and allow it to expand to suit your hopefully growing congregation, which we



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1 all hope will be the case. But I can't support Councilmember Leventhal's motion. And I will  
2 say to you, I for one am not saying I know better than you how to develop your property.  
3 That is not my vote. That is not my stance. That is not my intention. What I am saying is, I  
4 am trying to reconcile a recommendation that this property be preserved because it is  
5 historic and whether or not I agree with that recommendation, is it historic or not? And if I  
6 agree with that recommendation, I see no off-ramp here because of the, quote, burden. If  
7 we want to create an off-ramp because of the burden,  
8 we ought to do so across the board and say to ourselves, this isn't working. But not to do  
9 it here and now for you alone. OK? So I just wanted to share with you why I will be voting  
10 against this motion, notwithstanding my heartfelt sympathy for it. And my belief, quite  
11 frankly, having heard this, which you did not hear before, that you may take away from  
12 this some comfort that it won't be so bad. All right? Maybe. And if it is, we want to hear  
13 about it.

14  
15 UNKNOWN SPEAKER:

16 It'll be too late, Roger.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 OK. Thank you, Council Vice President Berliner. Councilmember Leventhal?

20  
21 COUNCILMEMBER LEVENTHAL:

22 Mr. President, I know you want to wrap this up. Look, one could take, as an extension of  
23 the logic offered by my friend Councilmember Berliner, that the Council really doesn't have  
24 a role here at all, that once the HPC has recommended it, it's done, because the  
25 recommendation is, it's historic, there's no off-ramp--I'm quoting Mr. Berliner now--and it  
26 has to be applied across the board. We can't make exceptions, we can't utilize any  
27 discretion, so why are we even here? Why are we even discussing this? Petitions come to  
28 us from our constituents. We are the court of last resort on this process. We're in the law,  
29 and so I intend to utilize my discretion. And yes--you said we can't weigh these things on a  
30 case-by-case basis. Actually, the law does allow us to do that, and so we're doing it now,  
31 and so I stick with my motion, and I intend to vote for it.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 OK. Thank you. Councilmember Elrich?

35  
36 COUNCILMEMBER ELRICH:

37 I'm going to vote the opposite direction on this. I would say that, in some of the other  
38 cases, I voted against some of the recommendations of the HPC committee because I  
39 don't think that we should say yes to everything. But I voted against them on the issue of  
40 whether or not they, in fact, were historic, and I didn't think they made the case in some  
41 cases for that. I'm not hearing an argument here today about the central question about



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1 whether or not this is a historic facility. I'm hearing an argument that doesn't have anything  
2 to do with the historic facility. In the cases I voted against, I didn't find merit in the historic  
3 argument. I think that's--that is the way we're supposed to try to divine this. I think we're  
4 on a slippery slope if we're going to begin to assert absolute property rights at everybody's  
5 convenience and everybody's best benefit, because we regulate everything in this county  
6 from where your fences are, how tall your fences are, and I don't think it's a bad thing  
7 because part of having a community where everybody lives with each other is some  
8 recognition that everybody doesn't get to do everything they want. We routinely impose  
9 limitations on commercial development because of impacts on the community, and I think  
10 we would slide down the wrong direction if we're going to say if you own a piece of land,  
11 do whatever--what you want with that piece of land. Zoning doesn't matter, density doesn't  
12 matter, what it looks like doesn't matter. It's simply your property. Do with it what you wish.  
13 That's not the direction I wish to go in. There are plenty of Western cities that have the  
14 mentality, none of which are particularly attractive and have grave livability problems, and  
15 I'm glad I live here and that we do try to temper the needs of the individual with the needs  
16 of the community.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 OK. Thank you, Councilmember Elrich. Councilmember Knapp.

20  
21 COUNCILMEMBER KNAPP:

22 Thank you, Mr. President. I appreciate everyone's discussion on this. I appreciate Mr.  
23 Leventhal making the motion, and the debate we've just had for the last half an hour  
24 underscores the discussion that the Fed Committee has had since, I think, last April on  
25 these and a variety of other issues. And I would argue that the heartfelt discussions that  
26 have been portrayed here today have been reflected in virtually every property on that list  
27 where a property owner did not consent outright with the agreement that was brought  
28 forward by the Planning Board and HPC. And so--and so I appreciate the restating of  
29 many of these things here. I appreciate we're going to have the discussion on this parcel.  
30 I, having seconded the motion, will concur with Mr. Leventhal and will support it, but I  
31 would also just urge my colleagues to recognize that this is exactly the same discussion  
32 we've been having with every other property, and it's a tough one. And I appreciate what--  
33 I hope what we'll do here. And there are some other properties that we'll probably be  
34 doing the same thing for. I've got some broader comments I'll make once we dispose of  
35 this to kind of conclude the whole package of resources and hope that we can then move  
36 on to our next item.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 OK. All right. Thank you, Mr. Chair. I think we're ready for a vote on the motion from  
40 Councilmember Leventhal, and so I will call for that. All those in favor of the motion,  
41 please raise your hand. That is Councilmember Trachtenberg, Councilmember Floreen,



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1 Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal. That's five.  
2 Opposed? Councilmember Elrich, myself, and Council Vice President Berliner. The  
3 motion passes 5-3.

4  
5 COUNCILMEMBER KNAPP:  
6 Very good, Thank you.

7  
8 JEFF ZYONTZ:  
9 And that was removing Locational Atlas and-- that is to remove it.

10  
11 COUNCILMEMBER KNAPP:  
12 Correct. Just to conclude, I just want to--I want to thank Claire and Scott because they  
13 have gone through a lot here, and unfortunately, many discussions that we have in front of  
14 the Council when there are opposing viewpoints tend to appear to be more personal than  
15 they are. We're talking about the merits of the cases. We're trying to address these things.  
16 I know that the two of them have spent a great deal of time going through this and actually  
17 trying to enact the law that is the county law. And so they're really trying to play by the  
18 rules that perhaps not us, but our predecessors have laid out as to how the Historic  
19 Preservation Process is to proceed, and I thank them for that. That's not necessarily the  
20 simplest, most straightforward thing in the world to do. Mr. Berliner recommended--  
21 suggested that we may want to make some change as to how that process is conducted,  
22 and I am in the process of drafting some legislation which will hopefully make some of  
23 those recommendations--some of those modifications, given the feedback I've heard from  
24 my colleagues and others during the course of this past few months of discussion. One of  
25 the things, though, I think that is important--and I think Ms. Floreen raised a lot of these  
26 issues very well with her questions--is the impact on individuals the impact on  
27 communities? And oftentimes, there is not necessarily a lot of information that is out there,  
28 and until people start to come forward with a desire to do something to their property--  
29 they see they thought they were going to do something to change their property, they go  
30 down to DPS, they file for a permit, and lo and behold, they found that they are on a  
31 Locational Atlas because somebody drew a circle at one point and put it in, thought this  
32 might be a historic district, has not necessarily been reviewed, and lots of things then kind  
33 of trigger after that that they may or may not have been aware of. And could they--are  
34 there great success stories of people coming through and having negotiated successful  
35 outcomes? There are--undoubtedly, the answer is yes. Does it create more time? Yes.  
36 Does it create burdens on the property owner? Yes. It does all of those things, too, and so  
37 I think it's important for us to recognize that those things exist out there, and it's not just a  
38 straightforward thing that happens because people understand all the pieces that are  
39 there. As it relates to being placed on the Locational Atlas, we had a lot of conversation  
40 about what that does and does not mean. And part of the discussion that we had was, as  
41 it relates to if a property owner comes in suggesting they would like to demolish their





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1 property, then it triggers a review by the Historic Preservation Commission. That does  
2 that, but in addition to that, so does a substantial renovation, which also then triggers a  
3 review by Historic Preservation Commission. And that's being on the Locational Atlas.  
4 That's not being designated as a historic property. So I just want people to understand  
5 that, that-- and I think Ms. Floreen actually articulated this well during our last discussion--  
6 that if you are on the Locational Atlas, you are, to some degree, kind of in a bit of limbo,  
7 because at least if your property were designated historic and you chose to make  
8 modifications, there is an availability of property tax credits and some other financial  
9 activities that could help defray some of the potential issues that you run into. If you are on  
10 the Locational Atlas, you may have to bear the same burden during the process as going  
11 through the review, but you don't actually necessarily have access to those financial  
12 resources. So that's something for my colleagues to be aware of as well. If we put  
13 something on the Locational Atlas, it's not as though we just have done it there and  
14 there's not going to be an impact on the property owner. There very well may be, and not  
15 much of an ability for them to address that. I have a series of notes here. I guess my final  
16 point is just to thank all of the property owners who have worked with us through this  
17 process. I know a number of them are going to go away not feeling particularly happy. A  
18 number will be pleased that we have heard their concerns and issues and tried to address  
19 them. This is a difficult process, and I would love to tell my colleagues that this Council is  
20 now done dealing with historic preservation, but we're not. We have a number of them still  
21 to come. There are a number of reviews that are still under way. And so this is an issue  
22 that we will be addressing, I think, a good number of times in the next 24 months, so,  
23 unfortunately, just be prepared for that. And I would just again like to thank Claire and  
24 Scott because they have--I think they have worked very hard to try and deal fairly with  
25 people and try to get the right things done at the right time, and so I appreciate that. I  
26 haven't necessarily made it simple on them, and I don't think in the coming months, it's  
27 going to be that simple, either. We're going to have a lot of good discussions, I'm sure. But  
28 with that, we now have before us the modified Master Plan--Amendment to the Master  
29 Plan for Historic Preservation, Damascus-Goshen Historic Resources, and I would put  
30 that to the Council for a final vote.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 OK.

34  
35 JEFF ZYONTZ:

36 I have one clarification on circle page 3, where it says, page 11, "retain resources on the  
37 Locational Atlas." It should be "retain or list resources on the Locational Atlas." Some of  
38 those resources are not now currently listed on the resources list.

39  
40 COUNCIL PRESIDENT ANDREWS:



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1 OK. All right? All right. Everyone got it? OK. All right. This is a roll-call vote, so, Clerk,  
2 please call the roll.  
3  
4 CRYSTAL BROCKINGTON:  
5 Councilmember Elrich.  
6  
7 COUNCILMEMBER ELRICH:  
8 Yes.  
9  
10 CRYSTAL BROCKINGTON:  
11 Miss Trachtenberg.  
12  
13 COUNCILMEMBER TRACHTENBERG:  
14 Yes.  
15  
16 CRYSTAL BROCKINGTON:  
17 Miss Floreen.  
18  
19 COUNCILMEMBER FLOREEN:  
20 Yes.  
21  
22 CRYSTAL BROCKINGTON:  
23 Mr. Leventhal.  
24  
25 COUNCILMEMBER LEVENTHAL:  
26 Yes.  
27  
28 CRYSTAL BROCKINGTON:  
29 Miss Ervin.  
30  
31 COUNCILMEMBER ERVIN:  
32 Yes.  
33  
34 CRYSTAL BROCKINGTON:  
35 Mr. Knapp.  
36  
37 COUNCILMEMBER KNAPP:  
38 Yes.  
39  
40 CRYSTAL BROCKINGTON:  
41 Mr. Berliner.



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1  
2 COUNCIL VICE PRESIDENT BERLINER:

3 Yes.

4  
5 CRYSTAL BROCKINGTON:

6 And Mr. Andrews.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 Yes. So that passes 8-0, and we will move on now. Thank you very much, everybody who  
10 was here for this item, and we'll move on to our legislative session, day four. Approval of  
11 Legislative Journal, December 9, 2008. Is there a motion?

12  
13 COUNCILMEMBER TRACHTENBERG:

14 So moved.

15  
16 COUNCIL PRESIDENT ANDREWS:

17 So moved by Councilmember Trachtenberg, second by Council Vice President Berliner.  
18 All those in favor of the Legislative Journal for December 9, 2008, please raise your hand.  
19 And that is Councilmember Elrich, Councilmember Trachtenberg, Councilmember  
20 Floreen, myself, Council Vice President Berliner, Councilmember Knapp, Councilmember  
21 Ervin, Councilmember Leventhal. That's 8-0. That's approved. Introduction of bills.  
22 Expedited Bill 2-09, Property Tax Credit--Renewable Energy-- Amendment, sponsored by  
23 Councilmember Berliner. And there is a public hearing scheduled for February 10 at 1:30  
24 on the bill. Councilmember Berliner.

25  
26 COUNCIL VICE PRESIDENT BERLINER:

27 I just want to share with my colleagues this is among the more frustrating experiences I  
28 have had. This Council passed a very positive tax credit for solar installations, and our tax  
29 credit was 50% of the cost of the solar item, not to exceed \$5,000. That was what we  
30 passed. That was what our intention was. Across the street, it was interpreted in a  
31 different way. Because we did not specify photovoltaics, because we said heating system,  
32 they decided that the 50% was applicable to photovoltaics, not capped by the 5,000. So,  
33 we have approved a number of applications for more than \$5,000, but 50% of a  
34 photovoltaic, to the point where our combination of that generous credit with the state's  
35 generous credit is probably more than the cost of the unit. This was not our intention. I  
36 confess I find it very odd that we did not get a phone call with respect to this item, seeking  
37 our intention. We were advised that the reason why our intention was not sought is  
38 because the legislative language itself was so unambiguous that it could only lead to one  
39 result. As someone who was partially responsible for that, I beg to differ. But be that as it  
40 may, we need to put a halt to that. It was not our intention to allow for such a generous tax  
41 credit, and so the purpose here is to halt it, and to halt it as of now so that we don't



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1 provide too generous a tax credit. This is a tax credit that has got people's attention, the  
2 good way, and it will be producing positive results, but we can't squander our taxpayers'  
3 dollars, and we certainly did not intend to do so. And so, to the extent to which I am  
4 partially responsible for what I believe to be an erroneous interpretation, I apologize to my  
5 colleagues. This should not have played out this way. So that's why this bill is being  
6 introduced and on an expedited basis.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 OK. Very good. Councilmember Leventhal.

10  
11 COUNCILMEMBER LEVENTHAL:

12 Yea, with the Council's consent, I'd like to be added as a co-sponsor. I note that Mr.  
13 Berliner's bill also requires that certification by another government agency, including the  
14 municipality, has got to be accepted. I know this was a problem that some of my  
15 constituents brought to my attention, as well as Mr. Berliner's, and that's an important  
16 point, as well. We--the way the bill was drafted, you had to get a permit, and yet the bill  
17 did not define where the permit would come from, and in the city of Rockville, which was  
18 where the issue was brought to our attention, permits are not issued by the county, of  
19 course. The city of Rockville has its own permitting agency. And so there was a lack of  
20 clarity as to whether the tax credit was available, and it certainly was our intention to make  
21 it available to all residents of Montgomery County, including residents of Rockville and  
22 Gaithersburg, which I think are the only two municipalities with a permitting agency. But I  
23 appreciate Mr. Berliner's work on this and strongly support it and would like to co-sponsor  
24 it.

25  
26 COUNCIL VICE PRESIDENT BERLINER:

27 And let me just respond. We had worked that issue out with an agreement--Memorandum  
28 of Understanding with those communities, but since we had to go forward with this, we  
29 decided let's clean it all up, then.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 OK. Thank you for the explanation. All right. We will have the public hearing, then, on  
33 February 10 at 1:30 on that. We'll now move on to calls of bill for final reading. Bill 27-08,  
34 Motor Vehicles and Traffic-Parking Regulations- Commercial Vehicles, Recreational  
35 Vehicles and Buses. The Public Safety Committee is recommending approval with  
36 amendments. We did have a work session on this two weeks ago, and I hope everyone's  
37 memory is reasonably fresh from that work session, although I don't believe that  
38 Councilmember Leventhal was able to be here because he was recovering from surgery  
39 at that point.

40  
41 COUNCILMEMBER LEVENTHAL:



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1 I watched it on TV.

2  
3 COUNCIL PRESIDENT ANDREWS:

4 I know he followed it. Briefly, the purpose of this legislation, as has been well articulated  
5 by its sponsor Councilmember Knapp, is to improve public safety. The problem is that  
6 when you have trucks and RVs parked on residential streets, it obscures sightlines for  
7 drivers and pedestrians alike, and this is a significant problem in a number of parts of the  
8 county that needs to be addressed. The bill's provisions, original provisions, have been  
9 melded by the committee with the recommendations of the Executive's Work Group on  
10 Code Enforcement, which also dealt with this, and I think we produced a bill that is well-  
11 crafted and tailored to address this public safety issue. I think I will have Bob Drummer,  
12 who is our legislative attorney who worked on this measure, briefly take us through the  
13 bill's--remind us of the bill's main provisions and then open it up to discussion from here.  
14 But I will first turn to Councilmember Knapp, this bill's sponsor, if he would like to make--  
15 No, he doesn't. He'll make comments a little later. And, Councilmember Ervin, do you  
16 want to ask a question now, or would you like to hear Bob Drummer's summary first?

17  
18 COUNCILMEMBER ERVIN:

19 I'll wait until after Bob's done.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 OK. And I want to thank the Executive branch and various agencies that worked on it. I  
23 see we have a couple of representatives here today from the Executive branch, including  
24 Captain Didone, who gave us a lot of good advice on this, and the Code Enforcement  
25 Work Group from the Executive that worked on this issue in addition to other code  
26 enforcement issues. So, Mr. Drummer, if you'll take us through, as quickly as you can, on  
27 the major provisions of the measure, and we'll see what questions there are.

28  
29 ROBERT DRUMMER:

30 OK. If you look at circle 24, there's a chart showing the difference between the current law  
31 and Bill 27-08, as amended.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 Thank you for putting that together.

35  
36 ROBERT DRUMMER:

37 And the current...Bill 27-08 creates a new category of vehicle called a heavy commercial  
38 vehicle and changes, essentially, the definition of commercial vehicle in the current law to  
39 heavy commercial vehicle, which places on it actual size limits--the gross vehicle weight of  
40 more than 10,000 pounds and a length of more than 21 feet and a height of more than 8  
41 feet from the ground. And it expressly excludes county vehicles or vehicles owned by



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1 other governmental agencies or farm machines or vehicles used for agriculture. The bill  
2 then changes the restrictions on parking of commercial vehicles, or now what we call  
3 heavy commercial vehicles. Formerly, commercial vehicles were not allowed to park in a  
4 residential area on a street abutting a church, house, or park, or several other items in  
5 residential areas.

6  
7 COUNCIL PRESIDENT ANDREWS:  
8 On the side of the street, right?

9  
10 ROBERT DRUMMER:

11 On the side of the street--on that side of the street, which was found to be a problem in  
12 residential areas where there was no house or residents directly abutting that side of the  
13 street. The bill now, following the Code Enforcement Work Group, the Executive's Work  
14 Group recommendation, now prohibits parking of a heavy commercial vehicle or a bus on  
15 a public roadway--or actually permits it to be parked on a public roadway in a commercial  
16 or industrial zone unless all parking is otherwise prohibited, and thereby prohibiting it from  
17 parking everywhere else on a public street, with certain exceptions. The exceptions are  
18 similar to what's in the current law for residential vehicles, and that's a vehicle engaged in  
19 loading or unloading passengers, merchandise, or materials, a vehicle--a heavy  
20 commercial vehicle being used by the owner or operator when engaged in work on  
21 property abutting the street, for a bus that stops for a period of time not to exceed 30  
22 minutes, to maintain a schedule at an authorized terminal stand for a bus route, and a  
23 vehicle that's involuntarily parked because of mechanical failure. And the bill now puts in a  
24 time limit of 48 hours for a broken-down vehicle to be parked in a residential area.

25  
26 COUNCIL PRESIDENT ANDREWS:  
27 And that's regarding commercial vehicles and buses.

28  
29 ROBERT DRUMMER:  
30 That's a heavy commercial vehicle or a bus.

31  
32 COUNCIL PRESIDENT ANDREWS:  
33 Recreational vehicles--

34  
35 ROBERT DRUMMER:  
36 With regard to recreational vehicles, the current law didn't have any restrictions in  
37 residential areas. The current law now restricts a recreational vehicle from parking on any  
38 public street except for up to--unless it's parking for up to 18 hours, unless it, again,  
39 involves-- unless there's mechanical failure, and again you have up to 48 hours. Let me  
40 try that again. I'm sure that was so clear, but...



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1 COUNCIL PRESIDENT ANDREWS:

2 This bill does not affect parking on a person's property. This is on public streets.

4 ROBERT DRUMMER:

5 Right. This is only on the public street. Parking on property is covered in the zoning code,  
6 and there are--you are permitted to park at least one recreational vehicle in most  
7 residential zones. And the bill also makes a change requested by the Code Enforcement  
8 Work Group with regard to parking between the curb or sidewalk and the property edge of  
9 the street, except in an emergency. The current restriction is, you can't park a vehicle--and  
10 we're not talking about the shoulder of the road. I think there was some confusion the way  
11 I explained it last time. We're talking about between the curb and the edge of the street,  
12 the edge of the actual street property, which goes beyond the pavement. Currently, you're  
13 not allowed to park there if there's a sign that prohibits parking on the street adjacent, and  
14 this would just prevent parking in that area at all times, whether there's a sign there or not.  
15 That was requested by the Executive's Work Force.

17 COUNCIL PRESIDENT ANDREWS:

18 OK.

20 ROBERT DRUMMER:

21 So that's the difference in the bill, and that's what this bill does that is not current law.

23 COUNCIL PRESIDENT ANDREWS:

24 OK. And your chart notes that the law, were this bill adopted, would apply in certain  
25 municipalities that have agreed to be covered by whatever we-- the law happens to be for  
26 that area of law, which would include, in this case, the largest municipalities in the county--  
27 Gaithersburg, Rockville, and Takoma Park.

29 ROBERT DRUMMER:

30 Yeah. Circle 26 has a chart that shows municipalities where the bill would apply unless  
31 they expressly exempt themselves by municipal ordinance, and then those areas where it  
32 won't apply unless they expressly opt in. And then there's one municipality where it  
33 wouldn't apply unless they did a charter amendment. That's the Village of Martin's  
34 Additions.

36 COUNCIL PRESIDENT ANDREWS:

37 OK. All right. There will be a number of issues to come back to, including the effective  
38 date, but I'll first turn to Councilmember Knapp, who's the bill's primary sponsor. You want  
39 to wait? OK. All right. Let's go to Councilmember Ervin, then Councilmember Floreen.

41 COUNCILMEMBER ERVIN:



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1 Thank you very much. I want to compliment all the hard work that was put into this bill. I  
2 wasn't really sure where I was when I first saw it, but I think that a lot of work went into it,  
3 and I have a couple of issues that I've been talking with Councilmember Knapp about, and  
4 it appears that most of these have already been addressed. And I understand the  
5 community concerns about safety, and these are paramount issues to me and to people  
6 who live in my district, so I'm really glad to see what came out at the end, but I still have a  
7 question about the fact that there are no convenient locations in the downcounty to park  
8 these commercial vehicles, and Councilmember Knapp, I'm sure, is going to address this  
9 in his wrap-up. And also, circle 21 and 22, I did hear from Mayor Bruce Williams from  
10 Takoma Park, and I see that that has also been addressed, that these trucks keep getting  
11 longer, and so we've now extended the length to 21 feet. Am I correct? So--

12  
13 COUNCIL PRESIDENT ANDREWS:

14 Personal--the personal pickups get longer, so we are not intending to cover those. So  
15 that's why the limit was raised from 19.5 to 21 feet.

16  
17 COUNCILMEMBER ERVIN:

18 OK. Great. Thank you.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 OK. Thank you. Councilmember Floreen.

22  
23 COUNCILMEMBER FLOREEN:

24 Thank you. As I recall, last time we took this up, we had a couple of conversations about  
25 WSSC contractor vehicles and also cable and other utility vehicles. I see on page 9, you --  
26 Bob, you worked with WSSC on some additional language for WSSC?

27  
28 ROBERT DRUMMER:

29 Yes. After talking to WSSC, their vehicles are excluded from the definition of heavy  
30 commercial vehicle because it's a government agency. However, a lot of their work is  
31 done by contractors. What they were concerned about was an ambiguity in the way that  
32 both the current law and the new law is written that indicates a commercial vehicle can  
33 park while working on the property abutting the road but doesn't make it clear that you can  
34 park there while you're working in the road. WSSC actually works in the road.

35  
36 COUNCILMEMBER FLOREEN:

37 Oh, legal eagles will return.

38  
39 ROBERT DRUMMER:

40 Well, they sometimes work on property abutting the road, but they also--





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1 COUNCILMEMBER FLOREEN:

2 How about not abutting the road but in the vicinity of the road?

4 ROBERT DRUMMER:

5 Right. So that's really all they're asking for, is just to make it clear that their contractors,  
6 while engaged in work in the road, are allowed to park on the road. I don't believe the  
7 police would ever likely be ticketing them.

9 COUNCILMEMBER FLOREEN:

10 I would have a hard time-- police shake their heads. One police officer says... You speak  
11 for all police officers.

13 UNKNOWN SPEAKER:

14 We write them while they're fixing it, especially after River Road.

16 COUNCILMEMBER FLOREEN:

17 Oh, yes, indeed. OK. So you think your language on page 9 addresses the WSSC issue.

19 ROBERT DRUMMER:

20 Yeah. It would cover, as well, you know, if Pepco has somebody working in the street or  
21 WGL has gas lines running in the street as well. It would cover their contractors and their  
22 trucks also while they're working in the street.

24 COUNCILMEMBER FLOREEN:

25 Why would--that would cover it?

27 ROBERT DRUMMER:

28 Yeah, because--

30 COUNCILMEMBER FLOREEN:

31 So are they public contractors?

33 ROBERT DRUMMER:

34 Well, because the definition of a public contractor's vehicle, which is already in the code--  
35 although surprisingly, it's never used, it's just in the definitions--is a commercial vehicle  
36 engaged in the performance of work within a street, highway, or other public property  
37 when such work is contracted for by any state, county, or municipal agency or public  
38 utility. So--

40 COUNCILMEMBER FLOREEN:

41 So would that apply to the cable company?



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1 ROBERT DRUMMER:

2 No, it wouldn't apply to the cable company.

3 COUNCILMEMBER FLOREEN:

4 They're not a public utility?

5 ROBERT DRUMMER:

6 No, they're not. We've gone over that with them.

7 COUNCILMEMBER FLOREEN:

8 How interesting.

9 ROBERT DRUMMER:

10 I mean, they're adamant that they are not covered by that term.

11 COUNCILMEMBER FLOREEN:

12 I bet they are--for regulatory reasons.

13 ROBERT DRUMMER:

14 Right. For reasons that have nothing to do with parking.

15 COUNCILMEMBER FLOREEN:

16 Indeed.

17 ROBERT DRUMMER:

18 They would not be covered. And to that extent, I'm not really sure that they often are working in the street.

19 COUNCILMEMBER FLOREEN:

20 No. No. So your language on page 5, though, would deal with the-- with public utility work in the street.

21 ROBERT DRUMMER:

22 Yes.

23 COUNCILMEMBER FLOREEN:

24 And WSSC, generally. So your language on page 8, though, that refers to... Is that the language that refers to cable? If we wanted to include language that validated the act of a contractor for a cable company to take home a large vehicle for emergency service, would we need to use that language that you have shown on page 8?

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1  
2 ROBERT DRUMMER:

3 Yes. There are two different issues. The language on page 8, in the middle of page 8, is  
4 for an on-call vehicle. That's not while the vehicle is working. That's parking there  
5 overnight while--

6  
7 COUNCILMEMBER FLOREEN:  
8 It's on-call.

9  
10 ROBERT DRUMMER:

11 Right. An employee takes the vehicle home. It's a take-home vehicle. The WSSC was not  
12 asking for that, and didn't--and the language on page 9 that WSSC requested would not  
13 allow the cable company or the gas company or the phone company to have take-home  
14 vehicles parked on the street.

15  
16 COUNCILMEMBER FLOREEN:

17 So those are separate issues. So the WSSC issue is addressed on page 9, and the other  
18 issue would be addressed by the language you have shown there on page 8.

19  
20 ROBERT DRUMMER:  
21 Yes.

22  
23 COUNCILMEMBER FLOREEN:

24 And then--I'd just like to say, Mr. Council President, I did raise the question the last time  
25 about the implications of this for our small businesses.

26  
27 COUNCIL PRESIDENT ANDREWS:  
28 Mm-hmm.

29  
30 COUNCILMEMBER FLOREEN:

31 And in light of the County Executive's initiative, which we have seen the legislation on, but,  
32 uh...the stimulus, his 11-point stimulus plan, one of the proposals was to delay the  
33 effective date of legislation that would impact businesses, and I would certainly support a--

34  
35 COUNCIL PRESIDENT ANDREWS:

36 Let me make a suggestion on that because it's a--

37  
38 COUNCILMEMBER FLOREEN:

39 A year-long delay.

40  
41 COUNCIL PRESIDENT ANDREWS:

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1 All right. Let me put a proposal forward and see if it's responsive to that. First, the  
2 language on 9, there doesn't seem to be any objection to the language on page 9.

3  
4 COUNCILMEMBER FLOREEN:

5 Well, what I was going to say, I would support both the language that's shown with respect  
6 to the WSSC vehicles on page 9, as well as the language for emergency-- for vehicles  
7 that are available for emergency work on behalf of companies that provide utility and  
8 cable service.

9  
10 COUNCIL PRESIDENT ANDREWS:

11 OK. Commenting on this--

12  
13 COUNCILMEMBER FLOREEN:

14 That would be both of those.

15  
16 COUNCIL PRESIDENT ANDREWS:

17 All right. Let's take them--I'm going to take those separately because they are different  
18 issues. Let's see. Is everyone fine with the language on page 9 that would add a public  
19 contractor's vehicle to cover the WSSC contractors so that that's clear?

20  
21 COUNCILMEMBER LEVENTHAL:

22 Yes.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 OK. And the second issue is whether to exempt trucks that are cable trucks, basically.

26  
27 COUNCILMEMBER FLOREEN:

28 And I guess for other companies --other utility--work on behalf of other utilities providing,  
29 uh... I guess this would also apply to take-home vehicles for electric, gas, telephone, or  
30 cable services.

31  
32 ROBERT DRUMMER:

33 That's right.

34  
35 COUNCILMEMBER FLOREEN:

36 For emergency service purposes.

37  
38 ROBERT DRUMMER:

39 It would cover--yeah, right. Electric, gas, telephone, or cable television.

40  
41 COUNCIL PRESIDENT ANDREWS:



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1 Mm-hmm. The committee's position on the measure that would--at least as described, the  
2 intent was to allow cable companies to take trucks home, have employees take truck  
3 homes. The concern was that that was not--didn't trump the need to minimize the number  
4 of trucks that are parked on public streets, that the safety issue outweighs the  
5 convenience issue that you may gain by having a slightly more rapid response from cable  
6 vehicles, versus WSSC, in our view, clearly falls into the public safety need, as well-- to be  
7 able to have those close by. So the committee did not support the language on page 8, I  
8 think it is.

9  
10 COUNCILMEMBER FLOREEN:  
11 That's right.

12  
13 COUNCIL PRESIDENT ANDREWS:  
14 Yes. So that's the--that was the committee's view on that language.

15  
16 COUNCILMEMBER FLOREEN:  
17 So I would move that language. I don't know if there's a second, but...

18  
19 COUNCIL PRESIDENT ANDREWS:  
20 OK. Councilmember Floreen is moving the language on page 8, in the middle of the page-  
21 - subsection 5 there. And I'll ask, is there a second?

22  
23 COUNCILMEMBER KNAPP:  
24 I'll second it. I made the motion in the committee.

25  
26 COUNCIL PRESIDENT ANDREWS:  
27 OK. All right. That's seconded by Councilmember Knapp. All right. OK. So that's moved  
28 and seconded. Is there any discussion on that? No discussion? OK. All right. All those in  
29 favor of the amendment too add the language in the middle of page 8 of the packet, which  
30 would say a heavy commercial vehicle taken home by an employee who is on call for  
31 emergency work on behalf of a company providing electric, gas, telephone, or cable  
32 television service. That is the motion. All those in favor of the amendment, please raise  
33 your hand. That's Councilmember Floreen, Councilmember Knapp. All opposed?

34  
35 COUNCILMEMBER FLOREEN:  
36 Oh, well.

37  
38 COUNCIL PRESIDENT ANDREWS:  
39 That's the rest--Councilmember Elrich, Councilmember Trachtenberg, myself, Council  
40 Vice President Berliner, Councilmember Ervin, Councilmember Leventhal. It fails, 6-2. The  
41 other issue is the effective date, and the bill was--I do think that we need to be sensitive to



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1 that. I would move an amendment to what the committee recommended. The committee  
2 recommended an amendment that would have the effective date occur sometime in the  
3 late spring, based on when we're taking it. The act takes effect 120 days after it becomes  
4 law. And we got some--we did have the benefit of advice from Captain Didone of the  
5 Police Department, who suggested July 1 as a good cut-off period, in that it's essentially  
6 the beginning of the summer. It gives enough time between now and then to educate  
7 people about the new law and to have a period for warnings. If this bill had just been  
8 introduced, I would push for a date beyond that, but the bill was introduced last June, so  
9 it's been--people have been on notice for more than half a year now, and this would be  
10 another five months. And so I would propose that the committee motion be amended to be  
11 July 1 of 2009 as the effective date.

12  
13 COUNCILMEMBER LEVENTHAL:

14 Second.

15  
16 COUNCIL PRESIDENT ANDREWS:

17 All right. Second by Councilmember Leventhal. Is there a discussion on that?

18 Councilmember Floreen and Councilmember Leventhal.

19  
20 COUNCILMEMBER FLOREEN:

21 Well, I would propose that we make it effective in a year from now. We're looking at  
22 impacting, I think, to the extent we are affecting commercial vehicles, we're affecting  
23 commerce, we're affecting small businesses, and this is a bad time to ask them to make  
24 additional financial commitments, presumably, for relocation of their materials at this  
25 moment in time. And insofar as we all--at least a number of us signed up with the County  
26 Executive in terms of a delay of the effect of legislation that would have this kind of  
27 impact, I think it's only appropriate to delay it, at least--I think we heard last time that you  
28 either want to do it before the summer or after the summer, certainly, and your proposal is  
29 to do it smack dab in the middle. At least, that's how I view July 1. So I propose that we  
30 delay it at least until December of this year.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 OK. And that's a substitute motion.

34  
35 COUNCILMEMBER FLOREEN:

36 Yeah, if there's a second.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 I'll see if there's a second for a substitute. Councilmember Leventhal.

40  
41 COUNCILMEMBER LEVENTHAL:



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1 Let me just say, I'm wrestling with this, and I raised this issue in a memo to the Council  
2 President. I do agree with the Council President that this bill was introduced some time  
3 ago, and that there has been ample publicity. And I have to make a judgment, as we all  
4 do, about what is the impact on the various people who are going to be affected by this. I  
5 never assume that the people who email us represent the entire public, but it is relevant  
6 that I've heard an awful lot more from proponents of this bill than I have had heard from  
7 opponents. So I'm trying to kind of weigh the equities here. I very much agree with Ms.  
8 Floreen, and I think her point is extremely important, and I thought it was so important that  
9 I made it myself a few weeks ago--that we, at least four of us who stood with the County  
10 Executive, need to make good on what we promised. I think there is some room for  
11 discussion about how much of an impact this has on business. It will have some impact.  
12 I'm going to go ahead and stick with the Council president's motion. It seems like it's a  
13 reasonable period of time. I'm frankly concerned that if we delay it as far as the 18-month  
14 period, we're going to hear from a lot more angry people who are expecting that this will  
15 be implemented relatively soon and who have been expecting it ever since the bill was  
16 introduced. So it's a judgment call. I think Ms. Floreen's point is a good one. I will remind  
17 the Council, if-- of course, a majority of the Council did not agree to the County  
18 Executive's proposal, but, you know, we do need to be very cautious about being too  
19 regulation-happy at a time when the economy is struggling. I think there's room for debate  
20 about how much of a burden, how much of a cost burden this will represent. And we're  
21 actually removing--I mean, if someone is imposing a burden on a community and then  
22 they have to pay a little more to remove what is a safety problem and an eyesore, it puts it  
23 in a somewhat different category. So I think Ms. Floreen's points are valid. I raised them  
24 myself, but upon reflection, I think a delay of a year is an awfully long time for something  
25 that the community had been well notified of. And we haven't heard-- maybe Ms. Floreen  
26 has. I don't know. I've not heard from a lot of businesses. A few testified at the public  
27 hearing, but we haven't gotten communications subsequently saying, "This is going to cost  
28 me an enormous amount of money. Please don't do it." I haven't heard.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 And an effective date of July 1 would be actually a little more than a year after the bill was  
32 introduced. So it has been a significant amount of time.

33  
34 COUNCILMEMBER FLOREEN:

35 I have to just comment, I'd be shocked if anybody knew about it.

36  
37 COUNCIL PRESIDENT ANDREWS:

38 Well, it's a--fair point. That's a fair point. OK. All right. Well, we need a vote.

39  
40 COUNCILMEMBER FLOREEN:

41 So there's no second.



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1  
2 COUNCIL PRESIDENT ANDREWS:

3 There wasn't a second, but we still need a vote on the motion to set July 1 as the effective  
4 date, so all those in favor of that amendment, please raise your hand. That is  
5 Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself,  
6 Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, and  
7 Councilmember Leventhal. It is adopted 8-0, and we are ready for final comments and  
8 then a vote on the bill. Councilmember Knapp.  
9

10 COUNCILMEMBER KNAPP:

11 Thank you, Mr. President. I just want to take a moment to thank the committee for their  
12 efforts. I think they did a very good job of going through this. And I thank the County  
13 Executive--in particular, Assistant CAO Tom Street for bringing forward the elements that  
14 they did from their Code Enforcement Work Group. Thank Bob Drummer for his efforts on  
15 this, as well. I thank Carmen Berrios on my staff, who would be with us, but she's getting  
16 married down in Puerto Rico on Saturday, and so she's not enjoying this wonderful snow.  
17 She's having a great time on the beach right now. Thank Commander Didone of the 6th  
18 District for his great efforts in this, and Diane Tillery, the Community Outreach Officer in  
19 the 6th District. They both were very instrumental in both identifying issues and working  
20 with us to make sure we drafted this in a way that was appropriate that police officers  
21 could actually enforce whatever it is that we're trying to do. And so I think what we will--I  
22 agree with what Mr. Leventhal has said. In the time since we introduced this, I've heard  
23 from a lot more folks who have raised issues in places I didn't even realize that there were  
24 issues, and so I am hopeful that this will address a public safety need in our community  
25 and appreciate everyone's efforts on that. As it relates to the additional parking, that  
26 continues to be an issue that we need to address. As this bill has outlined, it does allow  
27 for parking in over 13 miles of county streets, which I think is important. In addition, having  
28 a number of conversations right now, one in particular that I think will be very fruitful that  
29 we can announce in the next 4 to 6 weeks, I hope, about some additional parking areas  
30 that may be available for owners of boats, trailers, RVs, and commercial vehicles, as well.  
31 So as it--I recognize fully that to just do this doesn't necessarily solve the problems. They  
32 go away someplace else. We've got to continue to work on that, and I intend to do so.  
33

34 COUNCIL PRESIDENT ANDREWS:

35 Very good. Thank you for your leadership on this, Councilmember Knapp. And before we  
36 vote, I want to just ask Commander Didone to come up to the table for a minute or two  
37 and describe how he envisions this transitioning out, because he has been representing  
38 the Police Department at our meetings.  
39

40 COMMANDER DIDONE:





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1 Well, as you heard, it's a very difficult time. There's a lot of balances that we have to do.  
2 We realize that one of the things that this law does is it fills loopholes, and I understand  
3 exactly what Ms. Floreen says to be sensitive. We have 18-wheelers that are parked in a  
4 green space in the middle of a pure neighborhood because there's a loophole in the law  
5 that allows them to do that. The main intent and the purpose of this is, when we go to  
6 implement, we're talking about a four-month public awareness program. We start  
7 reeducating the public. We start working, as Councilmember Knapp said, to try to help find  
8 locations, to help solve the problem. This has been going and growing, and people have  
9 been taking advantage of it, but we also realize that change doesn't go right away and  
10 overnight. Resources are limited to do enforcement, so we're going to try to, as we can,  
11 seek with voluntary compliance and spend a lot of energy on the front end to do education  
12 and try to work the community to help them solve the problems-- finding private property  
13 for recreational vehicles, commercial property for commercial vehicles to park, and try to  
14 implement that educational key way before we start writing tickets. We're talking about  
15 warning citations. We're talking about note cards being sent to the registered owner of the  
16 properties. We're talking about attending--going to community meetings and HOAs who've  
17 been crying for help for all these years, and then to go back and have them work on  
18 helping solve the problem. So we're not looking at it as giving us a tool to just go out and  
19 write lots of tickets. We want to do it the right way because this is a long-standing  
20 community concern, and we want to try to solve it voluntarily, with a minimal impact on  
21 quality of life, and make it safer.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 Thank you. Appreciate that. I know you'll do a good job. You always do. OK. We're ready  
25 for the vote on the bill, Bill 27-08. Would the Clerk please call the roll?

26  
27 CRYSTAL BROCKINGTON:  
28 Mr. Elrich.

29  
30 COUNCILMEMBER ELRICH:  
31 Yes.

32  
33 CRYSTAL BROCKINGTON:  
34 Ms. Trachtenberg.

35  
36 COUNCILMEMBER TRACHTENBERG:  
37 Yes.

38  
39 CRYSTAL BROCKINGTON:  
40 Ms. Floreen.



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1 COUNCILMEMBER FLOREEN:

2 Yes.

3

4 CRYSTAL BROCKINGTON:

5 Mr. Leventhal.

6

7 COUNCILMEMBER LEVENTHAL:

8 Yes.

9

10 CRYSTAL BROCKINGTON:

11 Ms. Ervin.

12

13 COUNCILMEMBER ERVIN:

14 Yes.

15

16 CRYSTAL BROCKINGTON:

17 Mr. Knapp.

18

19 COUNCILMEMBER KNAPP:

20 Yes.

21

22 CRYSTAL BROCKINGTON:

23 Mr. Berliner.

24

25 COUNCIL VICE PRESIDENT BERLINER:

26 Yes.

27

28 CRYSTAL BROCKINGTON:

29 Mr. Andrews.

30

31 COUNCIL PRESIDENT ANDREWS:

32 Yes. All right. Bill passes, 8-0. Thank you. And our final bill for consideration today before  
33 we move on to the briefing by WSSC about the River Road water main break and water  
34 main monitoring and maintenance replacement issues, is Expedited Bill 36-08, Personnel  
35 - Retirement - Technical Amendments. The MFP Committee is recommending approval,  
36 and I'll turn to the chair of the MFP Committee, Councilmember Trachtenberg.

37

38 COUNCILMEMBER TRACHTENBERG:

39 Thank you, President Andrews. And it would be my expectation that our conversation on  
40 this third item from MFP will be more brief than the prior two that happened earlier today.  
41 Expedited Bill 36-08 would make technical changes to amend the county's retirement

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1 plan, basically to comply with federal legislation and guidance. The changes would include  
2 some technical changes to the Minimum Required Distribution rules to conform, again, to  
3 regulation. The bill would also have a change which would provide an increase to the  
4 contribution limit which can be made on behalf of a participant in the Retirement Savings  
5 Plan-- again, from 30,000 to 40,000-- and the legislation would allow for an increase in the  
6 compensation used to determine the participant's benefit from \$150,000 to 200,000--  
7 again, in a Retirement Savings Plan. There would also be some additional corrections  
8 made to some cross-references that are in the current retirement laws. And just for the  
9 benefit of conversation, one item that did come up in several of our work sessions--and in  
10 particular, the last one--was a conversation around the references that would be removed  
11 relating to domestic partner-- again, concerning the distribution of benefits. And the  
12 Internal Revenue Code does not actually recognize domestic partners for tax purposes,  
13 but the important thing to note here is that this bill would not change the benefit due to a  
14 domestic partner of a participant, and it doesn't affect the right of a participant to name a  
15 domestic partner as a beneficiary under the retirement plan. So again, the  
16 recommendation from the MFP Committee would be to enact the bill as introduced, as the  
17 request of the County Executive.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 OK. Thank you, Chair Trachtenberg. I don't see any comments, and so we are ready for a  
21 vote on the Expedited Bill, 36-08. Please call the roll.

22  
23 CRYSTAL BROCKINGTON:

24 Mr. Elrich.

25  
26 COUNCILMEMBER ELRICH:

27 Yes.

28  
29 CRYSTAL BROCKINGTON:

30 Ms. Trachtenberg.

31  
32 COUNCILMEMBER TRACHTENBERG:

33 Yes.

34  
35 CRYSTAL BROCKINGTON:

36 Ms. Floreen.

37  
38 COUNCILMEMBER FLOREEN:

39 Yes.

40  
41 CRYSTAL BROCKINGTON:



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1 Mr. Leventhal.

2  
3 COUNCILMEMBER LEVENTHAL:

4 Yes.

5  
6 CRYSTAL BROCKINGTON:

7 Ms. Ervin.

8  
9 COUNCILMEMBER ERVIN:

10 Yes.

11  
12 CRYSTAL BROCKINGTON:

13 Mr. Knapp.

14  
15 COUNCILMEMBER KNAPP:

16 Yes.

17  
18 CRYSTAL BROCKINGTON:

19 Mr. Berliner.

20  
21 COUNCIL VICE PRESIDENT BERLINER:

22 Yes.

23  
24 CRYSTAL BROCKINGTON:

25 Mr. Andrews.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 Yes. The bill passes, 8-0. And with that, we will now move on to our final item of the day,  
29 which is a briefing from the Washington Suburban Sanitary Commission about the River  
30 Road water main break and the water main monitoring and maintenance replacement  
31 issues associated with the Commission. We have a number of representatives from  
32 WSSC with us today, and I'll have them introduce themselves once they're up at the dais.  
33 I want to again compliment all of the public safety personnel who responded so  
34 magnificently to the River Road water main break and also the outstanding work done by  
35 the front-line workers of WSSC in responding that day and the subsequent days to getting  
36 the road repaired. There have been a lot of water main breaks already this year, and I  
37 know that WSSC workers have been very busy fixing the pipes and patching up the roads,  
38 and in addition to talking about this particular water main break, which was extremely  
39 concerning and was life-threatening, we want to focus on what measures are in place now  
40 and what additional measures need to be taken to head off this problem as much as



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1 possible in the future. And so, with that, I think we're--it looks like we're going to start with  
2 a presentation, but let's first start with introductions at the table.

3  
4 GENE COUNIHAN:

5 Thank you, Mr. Chairman. I'm Gene Counihan, a commissioner at the WSSC, where I've  
6 been serving in that capacity for just about 18 months. It seems like much more than that.  
7 I'm blessed to serve with two other outstanding commissioners who are not here today,  
8 Adrienne Mandel and Roscoe Moore, and I thank you for your approval. I also appreciate  
9 the kind of the support that I've had from the county--"the county" meaning the County  
10 Executive, the County Council, and people like Dave Lake and Keith, who have just been  
11 so incredibly supportive as we've worked. And I've learned a lot about a lot of challenges  
12 that are confronting the WSSC and its mission to provide clean water and sewer services  
13 for nearly 2 million people. And I sat here looking around the room and realized that in my  
14 45 years of living and working in Montgomery County, to build a better community, I've  
15 probably amassed more experience than anyone in the room in a variety --a wide variety  
16 of different roles, both my private and my public life working for the betterment of the  
17 community. I enjoy challenges. No challenge --no challenge--has been equal to that which  
18 we're confronted. Challenges--you know, in spite of the fact that I think we have good  
19 leadership at the commission, we have incredibly dedicated and able employees. Our  
20 challenges are, one, we've got enormous--you know, something on the magnitude of \$3  
21 billion of unfunded needs that we need, we know we need, and we need to have to be  
22 able to continue to function a safe and effective system. We also have a hard time  
23 keeping our commission focused on priorities that need to be addressed. It has been a  
24 challenge to my endurance, to my patience, to my goodwill, to my creativity, to my  
25 problem-solving skills, to my sense of being able to work effectively with people. But I  
26 want you to know I appreciate the support here from many of the people in this room, as  
27 well as the Council. What we were confronted with a few days before Christmas was a  
28 very serious challenge. Our interim general manager--I've taken a couple of minutes of  
29 personal privilege, and I don't normally do that, and I'm sorry. I apologize for that. But I  
30 think some of it expresses my frustration, but also my determination. But our interim  
31 general manager will introduce the staff here and then get into the report that we're  
32 scheduled to do today. But I look forward to continuing to work with you to find better ways  
33 to operate and keep focused on the mission that we need and to acquire the resources  
34 that we need to do that. That's my personal commitment, and I appreciate your support.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 Thank you.

38  
39 TERESA DANIELL:

40 Good afternoon, President Andrews and members of the Council. Let me introduce the  
41 folks that are with me today before I get started into the presentation. First, I'm Teresa



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1 Daniell, the Interim General Manager of WSSC, and with me is the Interim Deputy  
2 General Manager Rudy Chow. David Burke, next to him, is the Acting Infrastructure  
3 Systems Group Leader, and he is the brilliant architect of our 10-year fiscal plan for  
4 underground infrastructure, if we're able to budget and execute that. Next to him is Gary  
5 Gamu, our Chief Engineer. And also behind us with support is Chief Financial Officer Tom  
6 Traber. I think you all know very well. And Kirk Wineland, the Director of  
7 Intergovernmental Relations. Running audio-visual, or visual, I guess, is Jim Neustadt, our  
8 Director of Communications.

9  
10 COUNCIL PRESIDENT ANDREWS:

11 And thank you for that. I want to make one quick announcement, and then I'll turn it back  
12 to you. Just a housekeeping measure here, and this is, if Montgomery County public  
13 schools are closed tomorrow, as they were today, we will not have our town hall meeting  
14 tomorrow night. It will be postponed. It's the meeting scheduled to take place at Kingsview  
15 Middle School, and we will reschedule it if the schools are closed. If the schools are open  
16 or delayed, the public should check with the Council website or call 240-777-7900 for  
17 scheduling information. And we'll see what happens tomorrow. But with that, I thank you  
18 for your patience, as well. We got started late, we had a couple items that ran over, and  
19 we appreciate having you all here, and please proceed with your presentation.

20  
21 TERESA DANIELL:

22 Thank you, and thank you for the opportunity to be here this afternoon. Of course, we're  
23 here to brief you on what we have so far on the 66-inch water main break that broke on  
24 December 23rd in Montgomery County and discuss the WSSC large-diameter pipe  
25 inspection and monitoring program and where it fits into the larger context of the WSSC  
26 infrastructure needs. And I have --you have a number of materials that we've made  
27 available to you that I'm going to refer to as we go through the briefing. So as we get to  
28 that point, I'll point out to you what they mean and interpret them a little bit for you. But  
29 first, just to summarize the several days during the holiday season where we had the 66-  
30 inch water main break--pipe section number 20 failed on the 66-inch main at about 7:50  
31 AM, and normally when we have a water main break, we'll get--the radio room will get the  
32 call from a customer or a crew that's out there, one of our own crews, and then we go  
33 through a process, of course, where notifications of a number of agencies began  
34 shutdown and repair operations. This was a very unusual circumstance in that a number  
35 of people were notified simultaneously. The first notifications really came through 911  
36 calls, when fortunately, the Cabin John Volunteer Fire Department was on the scene  
37 immediately and began rescue efforts of motorists trapped in that--the gushing water from  
38 that broken main. Back at WSSC in the Operations Center, our folks were noticing this  
39 drop in the system, and whenever that happens--because they're monitoring 24 hours a  
40 day--they go immediately to the radio room and say, "Have any calls come in? Something  
41 unusual is happening in the system." About the time we got a call of no-water report from



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1 the Congressional Country Club, we already had crews en route to that area. And we did  
2 make the normal notifications to fire boards and the Health Department and County  
3 Homeland Security. But as I said, by that time, most people who are involved in this sort  
4 of event were already notified. So immediately on that day, the first order of business after  
5 the rescue operations were completed was to shut down the main, which took a little time.  
6 These are huge mains with huge valves that take equipment to turn them, and it takes  
7 some time to turn them, both because of the size and also because of the--keeping the  
8 balance in the system. If you turn it too quickly, it could cause other breaks elsewhere in  
9 the system. So that took a little time, but we did shut that down and actually award a  
10 contract to Ross Contracting to start the repair work in that same day. The next few days  
11 were devoted to inspecting the line to see if there were other pipe sections or pipe  
12 segments that needed to be repaired and in fact we did find at least--we found three other  
13 deteriorated pipe sections, which were also replaced along with the one that broke. We  
14 did another inspection on December 30th and didn't find any additional deteriorated pipe  
15 sections. Also, part of those first few days were dealing with collateral damage, if you will -  
16 -the Washington Gas repairs to the 24-inch gas main, completed power line repair of a  
17 power line that fell due to a tree being uprooted. So those first three days were just taking  
18 care of those kinds of things. We completed the repairs by December 31st and were able  
19 to open the road to normal traffic that afternoon--on the afternoon of New Year's Day, and  
20 then completed our water sampling process and the repairs on January 7th. And eight  
21 days after the break, the road was opened. 15 days after the break, the 66-inch was back  
22 in service. Now, what we're doing now is the after action, which is do a forensics analysis,  
23 as we did for the 48-inch water main break that broke about seven months ago. Clearly,  
24 water must have penetrated the pipe, corroded the reinforcing steel wires, which broke  
25 and allowed damage to the concrete pipe. But how did that water get in there, is what  
26 forensics, we expect, will tell us--we hope, at any rate. We have already hired the  
27 consultant to do the analysis. We expect the complete report in late March and would like  
28 to come back at that time to report out to you. That's where we are with the 66-inch water  
29 main that broke on December 23rd. Next slide, Jim. Now let me talk a little bit about  
30 PCCP repair and how that fits into the larger infrastructure needs for WSSC. The 66-inch  
31 was a prestressed concrete cylinder pipe--PCCP --so it certainly fits into this program that  
32 we have. All I wanted to show you with this-- with this map right now is just the distribution  
33 of those large water transmission and distribution system, and it's a sea of blue. So--and  
34 it's a network so that when that large transmission main broke and it was close to the  
35 Potomac plant, luckily we had a redundant system in place so we were able to continue  
36 water services to the residents while we shut that down, shut that main down and repaired  
37 it. That isn't always the case. Unfortunately, sometimes people are out of water for some  
38 time. But that gives you a sense of what we're working with. I'll come back and talk about  
39 that at some--a little bit later. PCCP specific --well, first the larger program. How does it fit  
40 into the overall infrastructure needs, underground infrastructure needs? And we've been  
41 talking about that for some time, that we're at a point where we really have to address



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1 some urgent underground infrastructure needs. To sustain the program, let me just give  
2 you a sense, because I had been asked about pipe type and size and the lifecycle of  
3 these kinds of pipe. We have about 4,500 miles of the small diameter pipe-- that's 16  
4 inches in diameter and smaller--mainly the distribution mains, and they're virtually all iron--  
5 ductile iron, cast iron, unlined cast iron. And we have about a thousand miles of the larger  
6 diameter pipes, 36 inches and above, mostly transmission mains, composed of ductile  
7 iron, cast iron, steel, and PCCP. All the pipe except for the unlined cast iron has a life  
8 expectancy of about 75-100 years. That had been a question--is there a difference in the  
9 lifecycle with some of the different types of pipe. Virtually no, other than the unlined cast  
10 iron, because the lining tends to insulate the pipe wall from the water, so it has a life  
11 expectancy of about 60 years. All right, then, so the Inspection/Monitoring/Repair/Re  
12 placement Program--and it literally is done in a program like that. It's important to inspect,  
13 to then monitor the pipe, and then repair and replace as needed. Our water reconstruction  
14 program, right now, 27 miles a year is what we're trying to replace, and have targeted to  
15 do so in the last three years. This year, we will be able to replace the 27. It's not quite  
16 what we need to keep up with the small water mains that are breaking all over the place,  
17 and you're seeing that very much, more and more. We prioritize the pipe that we need to  
18 replace and how much of it based on the age, maintenance history, fire flow issues, as  
19 well as a few other factors-- and you've heard these before, such as soil conditions,  
20 changes in the environment since installation. Our prioritization plan for the small diameter  
21 pipe is updated quarterly, and it's basically a five-year operational outlook. It's captured in  
22 the CIP under the Water Reconstruction Program, and you'll see that under "other  
23 information" when you look at the CIP. We do need to ramp up our replacement rate for  
24 the small diameter to about 60 miles a year to sustain the system. We're proposing a 10-  
25 year plan where we ramp up slowly over that time and get to a sustainment point of 60  
26 miles for that inch diameter--that inch pipe. The 16-36 inch--I'm sort of compartmentalizing  
27 these diameter sizes--is a size pipe that we had not had before a history of problems with,  
28 but they're now--they had had a fairly low break history, but they're becoming a factor  
29 now, because of age, obviously. And so we want to add that to our ramp-up as well, about  
30 15 miles of reconstruction for this size pipe in our infrastructure renewal plan. And again,  
31 we factored that into this 10-year plan that we have, the operation we have proposed.  
32 Now we get to the pipe above 36 inches in diameter, the larger transmission mains. The  
33 focus has been, for that size pipe, on inspection and monitoring as part of our repair and  
34 reconstruction plan. For the iron pipes, corrosion control, valve, and fire hydrant  
35 maintenance really are the key components in monitoring these pipes. Leak detection,  
36 also. But for PCCP, what we refer to as the more problematic pipe, mainly because when  
37 it fails, it fails without warning. The other pipe will leak first and give us at least an  
38 opportunity to get in and find out what the problem is in time to repair it. PCCP does not  
39 allow for that kind of warning, which is why--and I'll talk about this a little bit more later, is,  
40 we want to --as part of the inspection program, we need to install the fiber optics, which  
41 will give us our early warning for the PCCP pipe before it fails so we can go in and find out





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1 where the pipe is deteriorating so we can repair and replace as needed. I did want to point  
2 out, in spite of the three PCCP failures in the last seven months, historically, PCCP pipe of  
3 this size had a low history of failures. That seems ironic when we look at what we're--the  
4 problems that we're having now. My view of that is because we had a PCCP Inspection  
5 and Monitoring program, and I think the next slide, in fact, talks about that--our program  
6 history. Because of problems we were having with this type pipe in the late seventies and  
7 early 1980s, we started a Condition Assessment and Inspection Program in 1981. And in  
8 fact, you have--I'm calling it Table 1. It's a small table of--it depicts where the pipe is, what  
9 road it's on--for example, the first one is Central Avenue --how much footage we replaced,  
10 what did we replace it with. So the very first column, for example, you know, that's  
11 something to refer to at your leisure. But in 1979, for example, we replaced a 72-inch  
12 diameter PCCP with a 54-inch ductile iron pipe, and, you know, so many feet of that--  
13 7,555. So starting in 1981, we began an Inspection and Condition Assessment Program  
14 and repaired or replaced as needed. As we worked through the years to date, we worked  
15 with consultants, continued to study different types of inspection techniques, always  
16 looking for the most effective at the lowest cost, always looking for an inspection  
17 technique or inspection methodology that would give us the most information, give us  
18 information that perhaps might have been missing with older technology so that we could  
19 do a better and better program of inspecting this type pipe. And it was in 2006 that we  
20 added the fiber optic monitoring to our inspection program. Started putting that in in 2007.  
21 To date, we have 16.9 miles of the fiber optics. That's the early-warning system that I  
22 talked about a couple of minutes ago, so that we can continue to monitor this type pipe,  
23 and again, repair and replace as needed. This next slide depicts a graph that shows you  
24 pretty clearly what we had been doing in terms of the inspections since 1981, and keep in  
25 mind, as I just pointed out, we've changed, over time, the techniques. We've used more  
26 sophisticated techniques for inspection and monitoring of this pipe. But note that there are  
27 years where there's a much reduced number of mileage that we inspected, and also a  
28 number of years where there were no inspections at all, and this was what our budget  
29 allowed us, actually, not to do. Moving on to our current program--and here you might  
30 want to look at a couple of handouts that I gave you. They're fairly large. One is a map,  
31 and it's color-coded and matched with a table which is also color-coded, and what that  
32 shows you is where the PCCP, by size, is throughout the sanitary district, and then the  
33 table shows you what years that pipe was inspected and what type of inspection we used  
34 on that pipe. We have almost--we have 357 miles of the PCCP pipe in our system. It's the  
35 54-inch and greater that we had been focusing on. So we have 57 miles of that. As a  
36 result of the 48-inch break, though, in June, we want to add that our focus, so 48-inch and  
37 above. Current technology requires manual operation and that a person actually enter the  
38 pipeline to perform the inspections. All of our larger diameter, actually, including the 36-  
39 inch and above --about 143 miles--are given a risk rating based on their size, on the age,  
40 land use, criticality to our system, repair history, date last inspected. You'll see that risk  
41 rating on this colored table also, as you're looking at that. Virtually all of our 54-inch and



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1 above have been inspected one to three times since 1981, and as I pointed out, I've got  
2 those dates and types of inspection on that table for you to look at. The more problematic  
3 ones-- that is, the ones that we've found have had a number of problems and need repair,  
4 repair every time that we inspected, are monitored much more closely, so we've inspected  
5 them a few more times. There's one I'll talk about a little bit later-- the Adelphi line, which  
6 is a good case in point about what we do when we say--when it gets a risk rating so high  
7 that says, this maintenance history is telling us it's time to not just repair, but to do a  
8 renovation or a replacement. Continuing with the current program, when we do an  
9 inspection, it includes all of those things that we've listed there, those--all of those  
10 techniques, so we can get a good condition assessment, so we can get a good inspection  
11 out of the time that we, and the effort, that we put in. We do have to do the inspections  
12 when we can least disturb the water system, because we have to keep the water flowing,  
13 so when the demand is lower in the winter months is when we do the inspections. It takes  
14 about two to three months. There's a process. You have to dewater the line, and you have  
15 to do a number of things. I will say, though, normally in the winter months, it's a little bit  
16 easier to do that, but that's proving more difficult lately, the last couple of years, because  
17 we've had so many water main breaks during that time, as well, and as you can imagine,  
18 when there's a large main down and there's a large number of smaller breaks going on, it  
19 impacts water supply. All the more reason that the overall water main sustainment  
20 program has to include water reconstruction for the smaller diameter as well as the large  
21 diameter condition assessment and monitoring. It'll take a few years--again, back to the  
22 10-year renewal plan-- but once we've ramped up to the right reconstruction rate and  
23 maintained the preventive programs, we'll see a difference in the number of breaks that  
24 we have to contend with. The cost for PCCP program which includes the inspection and  
25 then the installation of the fiber optics is about \$3 million for 12 miles. How often should  
26 we inspect? Well, our preferred-- next slide--our preferred inspection interval for PCCP  
27 pipelines is 5-10 years--5 years for 48-inch and above to about 10 years for below 48-  
28 inch. And in fiscal years '07 and '08, we budgeted to do six miles of inspection and fiber  
29 optics. That really is inadequate to the program. In '09, the PCCP inspection program was  
30 included in the proposed renewal fee of the \$20 a month, which, as you know, failed to  
31 pass. So the PCCP program had no funding. Fortunately, you all, the county, has  
32 approved the use of the fund balance to help us fund the PCCP program to the 12 miles  
33 that we're going to do this year. And the next slide, in fact, shows you, over the next five  
34 years, what our inspection and monitoring program is--again, inspection and installing the  
35 fiber optics. So for this year, we want to do the 96-inch and the River Road 66-inch, and  
36 then you see in the out years, what we want to add to the program. Do note that in an  
37 attempt to close the gap because of reduced or no inspections for a number of years, that  
38 there were a couple of years in our plan going out that we would like to increase to  
39 increase to 18 miles a year, and then go back to the steady state of 12 miles. My experts  
40 over here tell me 18 miles is about the most we can do in any one year, because, again,  
41 of the impact on the system. Looking ahead, as we work to sustain our program, I'd



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1 already mentioned that 12 miles a year PCCP inspections and installation will help us get  
2 to the baseline that we need to sustain our pipeline, to give us that early-warning system,  
3 and help us know when we need to repair. Back to the Adelphi main, as I mentioned  
4 earlier. If you look on page 3 of the colored spreadsheet, just the beginning of the green  
5 section there, if you see how often...several times--oh, what, four, five times we've had to  
6 inspect and make repairs on that main, on that particular main? So that tells us it's time to  
7 take a look at a replacement, some sort of renovation, so what we want to put in our fiscal  
8 year '11 CIP is a study and a design for rehabilitation of that 60-inch Adelphi main.

9  
10 COUNCIL PRESIDENT ANDREWS:  
11 OK.

12  
13 TERESA DANIELL:

14 One other thing to point out-- right now, the technology has been 54-inch and above. We  
15 continue to work with the consultants, the experts out there, for technology developments  
16 that can get us into the smaller and smaller pipes. And in fact, I failed to mention a little bit  
17 earlier, and I wanted to point that out, is that at one time, we were leading edge with the  
18 inspection techniques. There were--there is, in fact, a technique that our folks worked on  
19 some years back, shared with the industry, and it's an industry standard now. The next  
20 two slides, just real quickly, I wanted to show you some of the inspection techniques that  
21 the--the unmanned and then the second one after that is actually--well, that says  
22 "unmanned" as well, too, but some of these, you still need people. Current technology  
23 that's in the works now, it's not currently available, it's not ready yet, but what we want to  
24 do is keep tabs of that so that we can eventually get to inspecting all size of our PCCP  
25 pipe and, again, look for more sophisticated methods at the most cost-effective--most  
26 cost-effective means. Last slide. I've kind of gone through that sort of fast, but I wanted to  
27 give you a sense of what we do in terms of the PCCP inspection, why we focus on that  
28 type pipe and the size of the pipe that we focus on, and what it will take to have a  
29 sustainable program. We think that sustaining the PCCP Inspection and Condition  
30 Assessment Program is critical to the mission of WSSC. It's a component of our  
31 Infrastructure Renewal Plan. It ensures timely inspection and repair of deteriorated pipe  
32 sections, provides a safer, more reliable water supply. It's a critical piece of our overall  
33 Infrastructure Renewal and Sustainment Program, and we need to ensure funding is  
34 available each year to maintain the program. A budget that supports WSSC's Assessment  
35 Management Program, which this is a part of, also supports WSSC operations and truly is  
36 critical to public health and safety.

37  
38 COUNCIL PRESIDENT ANDREWS:  
39 OK. Thank you very much for the presentation...

40  
41 TERESA DANIELL:



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1 Certainly. May I please take any questions?

2  
3 COUNCIL PRESIDENT ANDREWS:

4 ...and for the detail provided. That's very helpful. I'm going to turn to my colleague to my  
5 right first, Council Vice President Roger Berliner, and then to the chair of the  
6 Transportation and Infrastructure Environment Committee, and that's Councilmember  
7 Floreen, who is our lead Councilmember with regard to WSSC issues. So, Council Vice  
8 President Berliner.

9  
10 COUNCIL VICE PRESIDENT BERLINER:

11 Ms. Daniell, thank you very much for your comprehensive report. As you know, I had  
12 written you with respect to this matter, in particular, because I do feel as though we have  
13 to pay serious attention to this particular pipe. So help me here if you can with respect to  
14 this lovely chart, because I am looking at a number of pieces of pipe that, as you  
15 observed, can break without warning. And I am seeing that for some of them, I'm looking  
16 at 1996 as the last time, I believe, that they were inspected, if I'm reading your chart  
17 correctly when I'm looking under the "years inspected." So I'm looking, for example, at the  
18 orange block on the first page and seeing 1996. Is that a fair representation of the last  
19 time that was inspected?

20  
21 TERESA DANIELL:

22 That's correct.

23  
24 COUNCIL VICE PRESIDENT BERLINER:

25 And the River Road that burst had been inspected, I believe, 10 years ago? 1999.

26  
27 TERESA DANIELL:

28 About 10 years ago, and in fact at that time we didn't find any problems with the section  
29 that in fact broke. There were repairs done to other sections of that particular pipeline, but  
30 not the one that broke. We didn't find any deterioration. We didn't find any problems. But  
31 you're right--that was about 10 years ago.

32  
33 COUNCIL VICE PRESIDENT BERLINER:

34 And I am seeing a number that are 1995, on the second page in the blue. Project 80?

35  
36 TERESA DANIELL:

37 Yes. And in fact, that's the one that we want to inspect this year and plan to inspect this  
38 year. Yeah.

39  
40 COUNCIL VICE PRESIDENT BERLINER:



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1 I thought you had made some representation with respect to --that most of these pipes  
2 had been inspected three times, so... I don't know over what period of time that they were  
3 inspected three times, but this data seems to suggest that we have quite a number of  
4 pieces of pipe that are problematic, that have not been inspected for over 10 years that  
5 could break without warning at any time. What confidence do we have with respect to  
6 those pieces of pipe now? What can you tell us with respect to those pipes so that our  
7 citizens--should they have confidence? Should they be concerned? Share with us what  
8 you think, how we should relate to our constituents on this matter.

9  
10 TERESA DANIELL:

11 Let me first, just in terms of the pipe itself, I want to turn one of the engineers--perhaps  
12 Gary. Do you feel--if you could just talk about the confidence level in terms of the pipe  
13 itself, and then I want to talk about our program.

14  
15 GARY GAMU:

16 I think I would be just remiss if I sat here and told you that I have 100% confidence in all of  
17 that pipe, because what we're seeing is that, you know, in a several mile stretch, there  
18 might be a piece that goes. And because of that, that's why we really need to get these  
19 pipes inspected and the baseline established and the monitoring program there. Because  
20 in my opinion, when we have them monitored and we can watch them, that's when we will  
21 have what I consider a really good confidence level. Based on what we've experienced  
22 and the priorities that we've set for investigating these pipes over the years, is the system  
23 that we have for the priority order that we have them, and so some of the ones that you've  
24 looked at, for instance, that we haven't looked at in a while--you know, that's one of the  
25 factors that goes into setting the priorities for the next ones that you look at, and those are  
26 the ones that we're looking at next. So we really want to get on about, you know, getting  
27 those things inspected. Back in the years before when we inspected these, we didn't have  
28 the technology that we have now. We didn't have the monitoring program. So we went in  
29 there, and we did what was the state of art at the time. And you have to go back, because  
30 you don't have this baseline and the monitoring thing that you can do remotely  
31 subsequent to you being in there. So I think our program is basically set upon getting  
32 these pipes, a baseline established and a monitoring program in place. At that time, then,  
33 I would--you know, I would use the word comfortable or confident or something like that.  
34 At this point in time, I'm saying we need to get on about it, and we need to do it, you know,  
35 as expeditiously as we can, subject to funding and operational concerns. I mean, you can't  
36 throw money at this because if we did, we'd have to just shut a lot of the system down.  
37 People wouldn't have water for us to go in there and do that. So I am confident that this  
38 priority system that we have is giving us the best order to attack this, and so that's what  
39 we're going to go on about doing.

40  
41 COUNCIL VICE PRESIDENT BERLINER:



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1 We had been, what, at six miles per year at one point, and now you're suggesting  
2 doubling that to 12, but as I appreciate, your optimal is 18. And is our inability to get from  
3 6 to 18 a budget issue, and if it is, then tell me how I, who am looking at these pieces of  
4 pipe, should weigh the relative merits of budgeting more, getting to 18, given what I  
5 perceive to be the health, public safety issue of pipes that can go at any time without  
6 warning. It just seems to me, as I know you appreciate, that's a different kettle of fish. The  
7 other pieces of pipe that we have, as you observed, they leak first. These burst without  
8 warning, so what I'm struggling with is trying to understand the constraints that you're  
9 operating under and the judgments you're making with respect to going to an 18-mile,  
10 which as I understand is the maximum that you think you can do without shutting down  
11 the system, and where we are today.

12  
13 TERESA DANIELL:

14 I have to reiterate that it is an aggressive inspection and monitoring program, and that  
15 we're playing catch-up now, and that that is the key to--and the early-warning system that  
16 we're putting in--to sustaining these pipes, to getting ahead of the breaks. We do have to  
17 catch up. We realize we're in a position like that now. And yes, it's a budgetary constraint.  
18 18 miles right now is the max that we could do at any one time, had we the funding to do  
19 that, and so it does come down to, we're given a certain budget, and in that, we have to  
20 make decisions on priorities. And my understanding in past budgets is that very often  
21 maintenance or preventive type programs are deferred because there are some things  
22 you can't defer. You can't defer buying chemicals to treat the water. You can't defer some  
23 of the energy costs. There are things that are must-pays and you have to take care of this  
24 year, right now. There is no getting around that. So it is important this remain part of our  
25 Infrastructure Sustainment Program. One of the things in the bigger picture that we're  
26 putting in place is a comprehensive condition assessment of all of our assets --  
27 underground, aboveground, all of our assets, so that we can do an even better job, and  
28 even finer--you know, to a finer detail of knowing what the condition of all of our assets are  
29 to prioritize the repairs, the major renovations, the actual replacements when the time  
30 comes.

31  
32 COUNCIL VICE PRESIDENT BERLINER:

33 We did put fiber optics in in Tilden Lane. Is that correct?

34  
35 TERESA DANIELL:

36 That's correct.

37  
38 COUNCIL VICE PRESIDENT BERLINER:

39 And as I appreciate your previous comments and some work I've seen in the County  
40 Executive's office, it is your contention that fiber optics does provide you with that early-  
41 warning system such that there is very little chance, a high degree of confidence, that with



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1 fiber optics in place, our citizens are safe because you will be able to hear, literally hear  
2 the degradation that would allow you to go in and turn off these pipes. Is that fair?  
3 Because I want you to know that the people in Tilden are still very nervous with respect to  
4 this, and nervous with respect to the nature of that which you did for them.

5  
6 GARY GAMU:

7 The last time that we were here, you directed that to me, and I addressed it then, and I  
8 remember saying that we were using the 48-inch pipe at the time as the model. What's the  
9 difference? And I told you that the big difference was that we had put all of this in there  
10 and don't exactly remember the words that I said, but they might have been very similar to  
11 the ones you just used.

12  
13 COUNCIL VICE PRESIDENT BERLINER:

14 Almost virtually guaranteeing these people are OK.

15  
16 GARY GAMU:

17 We do--you know, I've only been with the utility a year, but we have people on our staff  
18 that have been dealing with these PCCP pipes since the 80s. You heard the interim  
19 general manager say that we were the cutting edge. These folks that we still have some of  
20 them on our staff, they are that cutting edge, and they've been working with this pipe for a  
21 very long time. And what they've come to know is, they know about how many wires it  
22 takes for these things to break before it's a problem, and the baseline that we establish is  
23 basically-- lets you to know how many wires are currently broken at the time of that  
24 inspection, and so as we listen to individual wires, we not only know how many, we also  
25 know where, and the numbers of these things breaking is the critical number before it's a  
26 problem varies depending upon where it is in the pipe segment --less at the ends than in  
27 the middle. So yes, when we hear those, and we literally can count them, then we have a  
28 pretty good comfort level that, you know, we can see this coming, and then that allows us  
29 to do something about it before waiting for the water to be running down the road to know  
30 about it.

31  
32 COUNCIL VICE PRESIDENT BERLINER:

33 Appreciate that. I've shared with you, I believe, something on the order of 15 questions  
34 that the good people in that community have posed to you. I don't believe it's appropriate  
35 use of our time now to go through that, and I would appreciate your responding in writing  
36 to those questions because this is a community that remains very concerned with respect  
37 to it.

38  
39 TERESA DANIELL:

40 I do have your questions, and I will respond in writing to them individually.



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1 COUNCIL VICE PRESIDENT BERLINER:

2 Thank you. So I would--I'll defer to my colleagues going forward, but I am not yet there  
3 with respect to the 12 miles versus the 18 miles. If it's \$3 million per mile, we're talking 36  
4 million for getting 12 miles and \$54 million for getting 18 miles. Is that a fair--

6 UNKNOWN SPEAKER:

7 It was 3 million for 12 miles.

9 TERESA DANIELL:

10 Right. That's correct. 3 million for 12 miles.

12 COUNCIL VICE PRESIDENT BERLINER:

13 3 million for 12 miles, so and for 18, it would be what?

15 UNKNOWN SPEAKER:

16 4 1/2.

18 COUNCIL VICE PRESIDENT BERLINER:

19 Thank you. Higher math, as my colleagues will tell you, is not my--So we are literally  
20 constrained from doing that which we believe we should do by \$1.5 million a year. Is that  
21 what you're telling me?

23 TERESA DANIELL:

24 That is the major component, but remember I also said what the system can bear. So for  
25 example, if we have a large main down now, then that means we can't get to another one  
26 that we're going to need to stay up. So it's constrained somewhat by the system, but it's  
27 also constrained by the budget.

29 COUNCIL VICE PRESIDENT BERLINER:

30 OK. In future conversations, I look forward to understanding that demarcation a little  
31 better, because my sense of this conversation is, right now it is 90% budget and 10% the  
32 physical system? You could not go to 18 miles now? Are you physically constrained?

34 RUDY CHOW:

35 Under the current condition, I mean, we have a number of pipes out--basically out of  
36 service. We have a 66-inch out of service up in the White Flint area, so that's causing  
37 some constraints as far as our ability to move water should we want to expand our  
38 inspection program. Our Engineering Construction Department is working to try to get that  
39 line back up and back in service so we can proceed with the River Road 66-inch as well  
40 as the 96-inch along the Beltway, at the 95 and 495 junction--that area. So what the  
41 interim general manager is referring to is that these 12 miles or 18 miles is under ideal





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1 conditions. This is our planned miles. However, based on the fact that at any given time,  
2 should we inspect and determine there are repairs that are required, or due to other  
3 construction, relocation construction and all that, those mileages may shift, but this is our  
4 goal. We're going to try to stick to it as closely as we can.

5  
6 TERESA DANIELL:

7 He makes another good point, Once we inspect, if we find that there are repairs that need  
8 to be made, that's what we need to focus on, so we think in terms of inspect and  
9 everything looks good, so you go to the next one, but if there are problems, then we have  
10 to deal with those.

11  
12 COUNCIL VICE PRESIDENT BERLINER:

13 Ms. Daniell, I will separately engage you in a conversation. There are lots of people in the  
14 Bethesda community very disappointed by how long it took for repairs to be made in  
15 downtown Bethesda, affecting restaurants around the Inauguration that were called in on  
16 Sunday, and it was a nightmare for these people, and they lost thousands of dollars, and  
17 they don't understand it, and I don't understand it, so I will be asking in writing for an  
18 explanation that we can share with that community as to why it took so long at a moment  
19 in time when, you know, businesses are struggling. And it was...it was a nightmare for  
20 them, and they were very unhappy, and I don't have the answer yet. I will look forward to  
21 getting an answer from you with respect to that.

22  
23 TERESA DANIELL:

24 I could address that some now, if you like.

25  
26 COUNCIL VICE PRESIDENT BERLINER:

27 Please.

28  
29 TERESA DANIELL:

30 During that time, there was one I'm particularly aware of where a restaurant had to close  
31 for the duration of time because by the time we got to the break to repair, it was in their  
32 business hours, so we had to shut the water down and make the repair. That was over the  
33 timeframe where we had about 250 water main breaks and leaks that we were dealing  
34 with. We pool our resources from all our service centers, go out and prioritize based on,  
35 you know, criticality and if it's doing damage to any property, if it's putting people in  
36 jeopardy in any way-- obviously we want to take care of those first. The only thing that I  
37 think that we might be able to add to that whole scenario is, if we determine that a pipe  
38 can be delayed to be repaired if it's not in the--at the top of the priority list, if you will, for all  
39 of those reasons, then we also look at what the impact will be at our timing when we do it.  
40 So before or after business hours--if it could wait until then, it could wait until after the



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1 business, or we could do it before the business opens, and that's something that the  
2 maintenance crews now are very aware of.

3  
4 COUNCIL VICE PRESIDENT BERLINER:

5 Again, I apologize. I've dominated a lot. Clearly, as my colleagues appreciate, River Road  
6 is sort of the heart of my district, and Bethesda and Chevy Chase are experiencing these  
7 breaks disproportionately because that's where the older pipe is, and therefore it's an issue  
8 that I must be attentive to, and so I appreciate the indulgence of my colleagues with  
9 respect to my questions.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 Not at all. Very important. Councilmember Floreen, who chairs our Transportation  
13 Infrastructure Committee and has grappled with WSSC issues for a number of years.

14  
15 COUNCILMEMBER FLOREEN:

16 A couple of years, yeah. Yeah. Thank you very much, Mr. President. First of all, I want to  
17 express my appreciation and really praise to the interim general manager, Ms. Daniell,  
18 and senior staff at WSSC. We are very appreciative of your responsiveness to the public  
19 and to us on these issues. We are very impressed by your collective hard work and  
20 integrity and focus on the infrastructure challenge. And I double my praise for  
21 Commissioner Counihan and Ms. Mandell and Mr. Moore, our trio from Montgomery  
22 County. Mr. Counihan, I heard nothing but--I heard a lot of frustration in your opening  
23 comments about all this, so I'm going to direct my questions to you, not to the senior staff  
24 here, because I think we have a bigger issue, which is what's going on at the commission.  
25 I'm...We've had some --you've had a terrible month, I think we can agree, between the  
26 break at River Road and what went on in Temple Hills at National Harbor and what seems  
27 to be an increasing number of breaks, pretty much every day-- 250 going on the same  
28 day, on Inauguration Day?

29  
30 TERESA DANIELL:

31 In a four-day period.

32  
33 COUNCILMEMBER FLOREEN:

34 In a four-day period. That's breathtaking. What a load on the agency. What is the  
35 commission --what are the commissioners doing to deal with this? You had a commission  
36 meeting last week. I assume this was front and center on your agenda. Tell me about how  
37 the commission--what the commissioners took up.

38  
39 GENE COUNIHAN:

40 The commission usually meets on the third Wednesday of the month. Meetings generally  
41 are all-day meetings. The meeting on the 21st, last Wednesday, got underway--it was



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1 scheduled to start at 8:30. The--this issue of breaks and things that have occurred that  
2 you have just cited was a significant part of the interim general manager's report, which  
3 was an item on the agenda, scheduled for mid-afternoon, as I remember it. As the  
4 meeting progressed, which was a meeting that adjourned about 8:15, as I remember it,  
5 we did not get to that item on the agenda.

6  
7 COUNCILMEMBER FLOREEN:

8 You mean you had a whole day meeting, and you didn't talk about this?

9  
10 GENE COUNIHAN:

11 That's right.

12  
13 COUNCILMEMBER FLOREEN:

14 You have got to be kidding. What did you talk about?

15  
16 GENE COUNIHAN:

17 I wish I was. It's hard to imagine filling nearly 12 hours, a day, with other items. Some of  
18 those I think were important-- none at the level of importance of this. There was a  
19 significant amount of time spent on a minority business enterprise discussion and program  
20 that has been a regular part of our agenda for several meetings now, I believe. And I  
21 would invite the interim general manager to modify anything I'm saying on this, but I think  
22 that's reasonably accurate.

23  
24 COUNCILMEMBER FLOREEN:

25 But you didn't have time to get to the River Road or the National Harbor crisis you've had  
26 this past month.

27  
28 GENE COUNIHAN:

29 We did not get to it.

30  
31 COUNCILMEMBER FLOREEN:

32 When are you going to get to it?

33  
34 GENE COUNIHAN:

35 Well, if I had more control of the agenda, I could answer that better. It was most frustrating  
36 for me and for, I think, all of the Montgomery commissioners.

37  
38 COUNCILMEMBER FLOREEN:

39 There has been--it's been a year-long exercise in finalizing the status of the general  
40 manager within the commission. Where are we on that?



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1 GENE COUNIHAN:

2 The former general manager left at the end of February. We had a transition committee  
3 that I co-chaired with the Prince George's commissioner that, you know--and went about a  
4 search, made recommendations to the full commission. The commission was not able to  
5 reach a conclusion, a final decision there. In any votes that came up, we were not able to  
6 get four commissioners in support of any of the finalists. I believe we had a number of  
7 outstanding candidates who came forward, and it was, I believe, in May that the  
8 commission decided to ask the two County Executives for their guidance and assistance,  
9 and that request was made--I believe it was May. We're still looking forward to getting that  
10 guidance. I know that Executive Leggett did engage in interviews and discussions with  
11 candidates, but that--whatever process is going on with regard to Mr. Johnson's review, I  
12 don't know, but we have not been able to get a report back.

14 COUNCILMEMBER FLOREEN:

15 So that's been since May.

17 GENE COUNIHAN:

18 Since May.

20 COUNCILMEMBER FLOREEN:

21 So again, as I said, I have nothing but praise for the interim general manager and the  
22 senior staff at WSSC, but you have been hanging on this issue since last May.

24 GENE COUNIHAN:

25 Yeah. Teresa just wrote me a note--we did, in one of our contractual items that we  
26 reviewed last Wednesday, approved a contract for PCCP inspection. It was a \$9 million  
27 contract for three years that was under our contract review portion of the meeting.

29 COUNCILMEMBER FLOREEN:

30 Well, that's good. Got something done.

32 GENE COUNIHAN:

33 There was an item, but we did not have a comprehensive report on the experiences of the  
34 last month, lessons learned--the kind of discussion that we've been having here today.

36 COUNCILMEMBER FLOREEN:

37 So now we have had more of a conversation about our breaks than you.

39 GENE COUNIHAN:

40 That's right.



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1 COUNCILMEMBER FLOREEN:

2 Great. This is a problem, and I appreciate your frustration indeed. Given that this is how  
3 the commission is--the commissioners are spending their meetings, how do we have  
4 confidence that matters of the nature that Councilmember Berliner and the rest of us are  
5 very concerned about, how can we have confidence that these inspections, monitoring,  
6 and maintenance issues are really going to be fully addressed? You know, last year--I  
7 have been around this block so many times with the commission. Last year we had--or  
8 was it two years ago? We had an elaborate plan that was endorsed by Montgomery  
9 County, initially supported by, I think, the Prince George's commissioners.

11 GENE COUNIHAN:

12 That's right. The surcharge.

14 COUNCILMEMBER FLOREEN:

15 But then--

17 GENE COUNIHAN:

18 It was built in to the \$20 surcharge per month.

20 COUNCILMEMBER FLOREEN:

21 And tell us what happened there. Remind us what happened there.

23 GENE COUNIHAN:

24 Well, I think the Montgomery Council supported it, the commissioners supported it-- the  
25 Montgomery commissioners supported it as we got into, I believe, it was our February  
26 budget discussions, but we could not get agreement on a surcharge from the Prince  
27 George's commissioners. They were interested in looking at alternatives, and there was  
28 none that we were able to discover or agree upon that was legal. They suggested things  
29 like an ad valorem tax, which, it's my understanding, that we cannot apply, and I don't  
30 think we would have agreed if we could have. But so we--there was no surcharge  
31 approved last year. I believe we had requested a budget in the 9.5% range. The  
32 Montgomery County Council gave us guidance at that level on. Prince George's county  
33 guidance from their Council was in the 6 to 7 range, and we ended up agreeing on an 8%  
34 rate increase that was implemented in our final budget.

36 COUNCILMEMBER FLOREEN:

37 What's the plan? Do you have a plan, as was proposed last year, for dealing with these  
38 overall systemic problems?

40 GENE COUNIHAN:



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1 There has been a joint committee that included staff from the counties working on it. I do  
2 not believe they came to any closure in terms of any recommendation for a surcharge or  
3 some basis of funding to be able to attack the restructuring. We, as you are aware, have  
4 been strongly pushing our federal and state officials to include money in the package that  
5 is being widely discussed--as a matter of fact, we had a press conference that a couple of  
6 Councilmembers --Chairman Andrews and Berliner--attended yesterday with Senator  
7 Mikulski and Congressman Van Hollen. But that, even if we were successful, we've got 75  
8 million within that request of shovel-ready projects. Even that, you know--we would need  
9 at least 300 million a year for 10 years to address our need, so even if that came through,  
10 it would address some of our most acute needs but wouldn't get us to where we need to  
11 be.

12  
13 COUNCILMEMBER FLOREEN:

14 Not at all.

15  
16 GENE COUNIHAN:

17 No.

18  
19 COUNCILMEMBER FLOREEN:

20 Now, I have to tell you, Gene, I have--just got in my mailbox a letter from you with respect  
21 to your capital budget, and it's-- not only does it not propose a plan for advancing or  
22 improving the capital budget in light of the series of breaks, as I read it, it calls for reduced  
23 capital budget program. How does this fit with the reality that our residents are  
24 experiencing?

25  
26 GENE COUNIHAN:

27 This is what is going out for public hearing--

28  
29 COUNCILMEMBER FLOREEN:

30 Yes. Yeah.

31  
32 GENE COUNIHAN:

33 Where we're talking about, I believe it's a 9 or 9.5% rate increase from Montgomery  
34 County and a 6% rate increase from Prince George's County and outlines the various  
35 projects that we would not be able to fund at all if we did not fund it at the 9.5% level? I  
36 think that's what you're referring to?

37  
38 COUNCILMEMBER FLOREEN:

39 So at this point, what we're looking at is a plan that doesn't even fund the current plan--  
40 current capital budget.



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1 GENE COUNIHAN:

2 That's right. And our budget guidance from Prince George's County is significantly below  
3 that, at the 6% level.

4  
5 COUNCILMEMBER FLOREEN:

6 I've got to say, this is just intolerable. Given the business disruptions that we're  
7 experiencing, the community disruptions, the devastation within the Beltway both in  
8 Montgomery and Prince George's, what's happening to the major new economic  
9 development project in Prince George's County, National Harbor, that they've  
10 experienced, the hospital disruptions that we're seeing. At least we're on the news in Al  
11 Jazeera, as I understand it, with the River Road break.

12  
13 UNKNOWN SPEAKER:

14 Oh, yes.

15  
16 COUNCILMEMBER FLOREEN:

17 Maybe they'll send us some money. Gene, we've got to find a better way.

18  
19 GENE COUNIHAN:

20 Agreed.

21  
22 COUNCILMEMBER FLOREEN:

23 Would you--can you offer us any other observations about your experience as a  
24 commissioner? You have--

25  
26 COUNCILMEMBER LEVENTHAL:

27 That everybody could listen to.

28  
29 COUNCILMEMBER FLOREEN:

30 You have the floor.

31  
32 COUNCILMEMBER DUCHY TRACHTENBERG:

33 We'll be here until tomorrow.

34  
35 GENE COUNIHAN:

36 It's amazing how so many things that you might like to do are illegal. But I don't think there  
37 is a short answer for that or any silver bullet. I do believe that there has been a lot of  
38 discussion about different ways of looking at the 3-3 stalemates that we currently  
39 experience by adding new people to the board through amendments to Article 29 of the  
40 Code. I think there are issues where it's reasonable for a multi-jurisdiction agency, a bi-  
41 county commission, as it were, to have assurances built in that require bi-county support



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1 for any actions that occur. We don't have that right now. We also don't have alternates so  
2 that if we are 3-3 on something, and if one of us can't be there--normally with all six  
3 commissioners present, you need four votes to do something. Therefore, you need some  
4 support in each county. If there are only five members present, our current bylaws and  
5 structure mean that a 3-2 vote can prevail, and that means that if one of our  
6 commissioners is not present, we have decided not be present at all to conduct business,  
7 because we have no confidence or trust in our colleagues not ramming something through  
8 over our objection.

9  
10 COUNCILMEMBER FLOREEN:

11 You're saying that you have no confidence or trust.

12  
13 GENE COUNIHAN:

14 That's right.

15  
16 COUNCILMEMBER FLOREEN:

17 In the commissioners.

18  
19 GENE COUNIHAN:

20 Well, in the regard that I just mentioned, yes. That is now the Montgomery commissioners'  
21 operating policy after an experience where there was an attempt to press a vote for the  
22 general manager when only two of us were present, and we asked for a courtesy delay of  
23 action on that. It was denied, and we had to leave the meeting so that there would be no  
24 quorum present. As a result of that, I announced at the next meeting that our operating  
25 practice would be if we couldn't all be there, we would not be present.

26  
27 COUNCILMEMBER FLOREEN:

28 I think we'd all agree this is no way--

29  
30 GENE COUNIHAN:

31 Until or unless a bylaw was passed, which I have proposed-- that was three months ago,  
32 and haven't been able to get that to a vote before the commission yet. It's been on the  
33 agenda, but again, we haven't gotten to it. But a bylaw amendment that required a  
34 minimum of one vote from each county for anything affirmative action.

35  
36 COUNCILMEMBER FLOREEN:

37 You can't even get that issue, a bylaw amendment, passed?

38  
39 GENE COUNIHAN:

40 It has been presented, and it's been on the agenda each of the last, I believe, three  
41 months now, but we haven't been able to get to that consideration.



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1  
2 COUNCILMEMBER FLOREEN:

3 Well, I think we'd all agree this is no way to run a public utility.  
4

5 GENE COUNIHAN:

6 And I want to say that Montgomery County commissioner is not running the meetings.  
7

8 COUNCILMEMBER FLOREEN:

9 Yes. We understand that. And it is totally--it is out of the hands of the professional staff  
10 there, I know. It's in the hands of six commissioners. Thank you for your patience, Mr.  
11 Counihan. We commit we're going to work with you to try to solve this problem. Is it time  
12 to take it apart?  
13

14 GENE COUNIHAN:

15 I, uh...  
16

17 COUNCILMEMBER FLOREEN:

18 I know that we don't have all day to discuss this, so...  
19

20 GENE COUNIHAN:

21 I think that's...I think, you know--I think that's certainly an option that needs to be seriously  
22 explored or carefully explored. I know there are complications to it. It's not an easy course  
23 to go. It's not one you could do quickly. But I would not rule out exploration of anything at  
24 this point. I do think it is a serious issue that needs to be addressed. And I don't have the  
25 answer, but I look forward to working with you and others as we explore the best way to  
26 continue to provide these vital services to nearly 2 million people. I am very concerned  
27 about it.  
28

29 COUNCILMEMBER FLOREEN:

30 Thank you.  
31

32 COUNCIL PRESIDENT ANDREWS:

33 Thank you, Councilmember Floreen. And I think all of us up here share the concern and  
34 the frustration, and we appreciate the persistence and service that our commissioners are  
35 providing on the commission, but we clearly have a sad state of affairs on the  
36 commission. It's at this point a dysfunctional commission. I want to separate the governing  
37 structure from the employees, because I think the employees of the WSSC are doing an  
38 excellent job, and I've emphasized that in my comments in terms of replacing the pipes,  
39 the frontline service. The staff is doing a good job. But we have a six-member commission  
40 that no longer works. And it is not chaired by Montgomery County, and that's important to  
41 point out, but even if it were, you have a 3-3 split on a lot of issues that results in a logjam



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1 that needs to be broken in some way, because the lack of a sufficient infrastructure plan  
2 and the ability to make just basic decisions, come to agreement, has now reached the  
3 point where it poses a danger to public safety and not just a danger to public health. When  
4 you have catastrophic failures of large water mains, it clearly has escalated to a point  
5 where more needs to be done, and the briefing today was very helpful in demonstrating  
6 that there are initiatives underway that are sorting out the high-risk pipes versus the lower-  
7 risk ones, and there is some movement there. But there needs to be a way for the  
8 commission to function effectively, and since there doesn't seem to be any change, any  
9 improvement at the commission at this point--and it's alarming that the commission didn't  
10 actually get to discuss what we're discussing today at its last meeting. I'm going to initiate  
11 an effort to see if we can get agreement from the two County Councils to address this,  
12 and working with our County Executive as well, who I know has had many conversations  
13 with County Executive Jack Johnson in Prince George's. We will try that, and if that  
14 doesn't work, then there may be other options that need to be pursued at the state level to  
15 find a way to make this a commission that is not-- governing structure that is not  
16 dysfunctional.

17  
18 GENE COUNIHAN:

19 I appreciate your concern.

20  
21 COUNCILMEMBER FLOREEN:

22 Press your button, Gene.

23  
24 GENE COUNIHAN:

25 I appreciate your concerns and your expression of working on it. I also--matter of fact, I'm  
26 trying to run a tape right now of our discussion of the last 15 minutes. I'm also wanting  
27 personally to be--not make the challenge more difficult by what we say here today,  
28 because I think often that can happen, and we put more hurdles in our way. You know, we  
29 unfortunately, we don't--you know, in a domestic dispute, you often have a period of  
30 separation before a divorce. We don't have the luxury of being able to consider a period of  
31 separation. But I do think there are a lot of well-intentioned people, staff and  
32 commissioners, that we do need to continue to work to solve the problem. And it may take  
33 legislative intervention or all of us working together to do it.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 And the public just wants results.

37  
38 GENE COUNIHAN:

39 That's right.

40  
41 COUNCIL PRESIDENT ANDREWS:



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1 The public just wants to make sure that there's safe water, adequate and safe water and  
2 sewer service, and the commission--the WSSC has a strong history of providing safe  
3 water, clean water, but there is now a real safety threat because of the lack of sufficient  
4 infrastructure replacement and timely replacement. And it's partly money, and there's a  
5 recognition, I think, that there needs to be more money, and there's support here for that.  
6 But there also has to be a way to get decisions made by the commission and agreement.

7  
8 GENE COUNIHAN:  
9 Absolutely.

10  
11 COUNCIL PRESIDENT ANDREWS:  
12 And we'll--this Council will be pressing for that. I now turn to Councilmember Knapp, and  
13 then Councilmember Leventhal.

14  
15 COUNCILMEMBER KNAPP:  
16 Thank you very much, Mr. President. I would echo the comments of the council president.  
17 I, during the course of the last few years, have watched the leadership issue with great  
18 interest and great dismay. But throughout all of that have been impressed at your efforts  
19 and most importantly the folks who are doing the job every day, because clearly, they're  
20 doing a pretty good job given the lack of leadership that has existed from a commission  
21 perspective, from policy and guidance. And so the folks who are there are doing a very,  
22 very impressive job. The one thing that struck me in the course of your presentation--I'm  
23 glad that we've got the plan. I'm glad we're doing the various assessments. We just talked  
24 about how our limited resources exist. So what happens as you go through this process--  
25 you've done the assessments, and you identified those things that need to be replaced.  
26 Presumably, we already have a replacement schedule that we're working on, and you're  
27 trying to kind of go through and test the other things. So how does, for example, the River  
28 Road issue, which requires an awful lot more money to fund--to fix than if we had just  
29 gone through and made the replacement the normal way. What does that do to kind of  
30 your operating or your capital expenditures, and what are the limitations there? I'm trying  
31 to get a sense of how we do that. It would seem for everything that breaks, we're going to  
32 spend two to three times or much, much more money than what we would be doing  
33 otherwise. As the more inspections you do, the more we're going to find those things that  
34 are on the verge of that, which then supplants all of those things that were already in the  
35 queue, which then only makes that queue that much bigger. So how does that process  
36 work?

37  
38 TERESA DANIELL:  
39 Well, first let me say, that particular repair was an emergency, so we used our emergency  
40 funds for that.



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1 COUNCILMEMBER KNAPP:

2 OK.

3  
4 TERESA DANIELL:

5 Now, I'll go back to the example of the Adelphi main because we say that's one that we  
6 need to put into our CIP for study and design to renovate or to replace. And so literally the  
7 process would be in our five-year CIP plan, as we go through the process, as we inspect  
8 and we find that we need to study this--we may do a repair now, using our just normal  
9 repair funds. If it's going to be a larger project, then that rolls into our CIP. Now, does it  
10 replace something else, or does it displace something else? Possibly.

11  
12 COUNCILMEMBER KNAPP:

13 So using Adelphi as an example. So you've identified this as something that we've got to  
14 do. It's got to be fixed. So--I mean, that's a pretty tough situation for you to be in because  
15 there's already a list of stuff that we have that's been outlined that people expect to be  
16 fixed. So how do you even have that conversation? Where do you initiate it? How do you  
17 engage it?

18  
19 TERESA DANIELL:

20 I think I'm understanding your question. It does go into, you know, our total prioritization  
21 plan. We have a process where, you know, every year we look at what's in the plan now,  
22 what needs to be added, at what point --does that come in at the end? Is that something  
23 that can go five years from now? Is it something that needs to be fit in next year or the  
24 year after? Now, in terms of the funding, I may to get Tom up here to talk about that.

25  
26 COUNCILMEMBER KNAPP:

27 No, that's OK. Basically, it's as much rhetorical as anything else. I mean, basically we're  
28 taking a bad situation and making it worse, and the more things we have that become  
29 identified because we're actually doing regular inspections, only becomes a bigger list of  
30 things we've got to get done today. And so I guess that's the point.

31  
32 TERESA DANIELL:

33 Over the big view, you're right.

34  
35 COUNCILMEMBER KNAPP:

36 Right. So I guess that's the issue, and so I... You know, I guess I would just follow on the  
37 comments that the Council president just identified. This reminds me a lot of the  
38 conversations I've at COG over the last six years as it relates to Metro funding. The  
39 people don't--quite honestly, the people out there aren't thinking about WSSC. They're not  
40 thinking about water, and they're not thinking about Metro. They assume that all of us  
41 have already figured all of this out, and there is a plan in place, and it's actually getting



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1 addressed. And so the tough part comes when we have a situation like River Road or we  
2 have something that doesn't work at Metro, and people go, "Well, why are we here?" And  
3 the answer-- that's when things start to get really dicey. They expect it's all taken care of.  
4 They're not thinking about water. They assume that that's OK. And so in a place like here,  
5 for us not to be able to, I mean, is absolutely stunning. But I appreciate your efforts. I  
6 appreciate the candor that you shared with us, Mr. Counihan. And I appreciate the efforts  
7 of the staff in getting the things we have in front of us resolved, and I can only hope that in  
8 the coming months, we'll get someplace better. But the number of times we've said that, at  
9 least in the six years I've been here, has been numerous, and so... You hate to hope  
10 against hope, but, you know, perhaps hope springs eternal and we'll get there soon.

11  
12 COUNCIL PRESIDENT ANDREWS:

13 Thank you, Councilmember Knapp. Councilmember Leventhal.

14  
15 COUNCILMEMBER LEVENTHAL:

16 Ms. Daniell, was there any warning whatsoever about the River Road main? Did it come  
17 as a complete surprise, or was there any indication of any kind that there might be a  
18 problem with that pipe?

19  
20 RUDY CHOW:

21 Yeah, it was complete surprise.

22  
23 TERESA DANIELL:

24 OK. I wanted to turn to the engineers in case there was something--the year before I got  
25 here, but my understanding was yes, it was a complete surprise. Remember we had said  
26 that that line had been inspected about 10 years prior, and that part that broke, there was  
27 no indication that there was any problem. There were other sections along the line that did  
28 have problems that were repaired, but that particular section, no. But then again, that was  
29 10 years ago.

30  
31 COUNCILMEMBER LEVENTHAL:

32 And this--and I thought this was a good presentation. It sounds like there is a plan in  
33 place. I don't know whether I'm qualified to judge whether it's a good plan or a bad plan,  
34 but it least you have, you know, a 15-page PowerPoint presentation to make to us. Has  
35 this been approved by the commissioners, or does the professional staff just go ahead  
36 and design and implement this, and then the commissioners are off talking about minority  
37 procurement? Was this plan approved by the commissioners? Has this presentation been  
38 made to the commissioners?

39  
40 TERESA DANIELL:

41 That presentation has not been made to the commissioners.



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1  
2 COUNCILMEMBER KNAPP:

3 ????? They didn't get to that issue.

4  
5 COUNCILMEMBER FLOREEN:

6 They were busy.

7  
8 TERESA DANIELL:

9 But in terms of a plan, in terms of an infrastructure renewal, in terms of PCCP inspections,  
10 then I would say yes.

11  
12 COUNCILMEMBER LEVENTHAL:

13 OK. Thank you.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 And Councilmember Elrich, you have close to--almost the final word. Not quite.

17  
18 COUNCILMEMBER ELRICH:

19 Close. This situation is pretty pathetic. I mean, it's the only way to describe it. I'm not sure  
20 that we'd solve anything were we to get authority to have somebody appoint a tie-breaking  
21 member and at the same time, require a member from each county to vote to approve it. It  
22 seems to me we'd still lock up 3-3. Even if you had four votes on one side, it wouldn't  
23 matter. We'd still be stymied. So I think this really is a deeper problem, and I for one am  
24 very interested in separating as soon as possible so that we can be responsible for what  
25 we're responsible for and figuring out what things we really have joint interest in, and treat  
26 those things we have joint interest in jointly, but it seems to me we shouldn't be hostage  
27 to, you know, their desires on the other side. But the only thing that concerns me--and I  
28 don't want you to explain it, or you don't need to explain it today--but you mentioned that  
29 the Prince George's delegates, regional commissioners, had proposed an ad valorem.  
30 And I can understand on a macro level why this county might be opposed to an ad  
31 valorem, but I'd like to know if they had any underlying rationale other than, "Your property  
32 is worth more than ours, and therefore you'll pay more than us." Was there any other  
33 underlying rationale behind the approach of doing an ad valorem assessment of this?

34  
35 GENE COUNIHAN:

36 I'm not aware of any other.

37  
38 COUNCILMEMBER FLOREEN:

39 Press your button.

40  
41 GENE COUNIHAN:



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1 Oh, I'm sorry. I'm not aware of any other. I believe that that's a reasonable assumption,  
2 that the distribution of property wealth would have favored Prince George's County in that  
3 kind of an assessment. But it's also my understanding that that is not a legal option that  
4 we have.

5  
6 COUNCILMEMBER ELRICH:

7 To what extent are... If you look at the flow of water, to what extent does Montgomery  
8 County contribute to the size of piping in Prince George's County, either sewer or water?  
9 To what extent--or vice-versa. To what extent does their system contribute to the size of  
10 piping of our system? Because I could see to some extent--I'm not quite sure how this  
11 flows, but if things flow through from Montgomery to Prince George's, particularly on the  
12 sewer end of things, and if they were then carrying heavier pipe or bigger pipe and more  
13 expensive pipe, because they not only have to carry their stuff but our stuff, I could see  
14 where somebody might say, you know, "We're at a disadvantage because our system is  
15 sized to contain the flow of both systems, whereas your system's only containing your  
16 flow." But does that apply? Does it apply to sewer? Does it apply to water? Is there any--  
17 any issues with this?

18  
19 TERESA DANIELL:

20 The best way I can answer that is, for both water main and sewer main, this is an  
21 interconnected system. This is --there isn't a sense of, you know, there are certain pipes  
22 or certain things on one side that the other doesn't have, and vice-versa. This is an  
23 interconnecting system. It may start flowing and stop in one area, or it may start flowing  
24 and stop in another area. So it's not a system that we can talk about, you know, there's  
25 this fine break, and you can-- we could talk about the miles of pipe, and we could talk  
26 about the size of the pipe. In fact, that map you have shows that. But this is an  
27 interconnected system, and I think that that's probably the most salient point to make  
28 here.

29  
30 COUNCILMEMBER ELRICH:

31 I get the interconnectedness. I was just wondering whether one jurisdiction's problems or  
32 volume creates size issues for the other jurisdiction. So you're shaking your head no.

33  
34 DAVE LAKE:

35 I'm Dave Lake with the Montgomery County Department of Environmental Protection. I've  
36 been working with WSSC for 20 years. The system in Prince George's County is not  
37 oversized to accommodate anything from Montgomery County. Most of our wastewater  
38 goes to Blue Plains. And therefore the pipes do get larger as you go down to the District,  
39 but they certainly-- our wastewater does not go to Prince George's County, is not treated  
40 in Prince George's County. The water lines, however, in Montgomery County are larger  
41 because of Prince George's County. The major source of water supply is out of the



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1 Potomac plant. The pipes have to be bigger here in this county to support the pressure  
2 that's going to go into Prince George's County. So I think it's important to understand that  
3 if anyone is carrying a burden at this point, it's Montgomery County.

4  
5 COUNCILMEMBER ELRICH:

6 I just wanted to get clear whether there's any rational reason for this dispute between the  
7 two of us, as opposed to apparently irrational reasons. Thank you.

8  
9 DAVE LAKE:

10 One addition. You all know that in the CIP, there is a bi-county water supply main, a huge  
11 tunnel that will be going through the central part of Montgomery County. The major reason  
12 for that water line is Prince George's County.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 OK. All right. Thanks. Councilmember Trachtenberg.

16  
17 COUNCILMEMBER TRACHTENBERG:

18 I'll be brief. It's the end of a very long day. But, Marc, just to segue on one of your last  
19 remarks, this really is not rational, what's developing before our eyes. And I'm really  
20 speaking about the structure of the board. I mean, clearly everyone here is committed to  
21 trying to come up with a strategy, and I know that the employees have done a great job  
22 over the years of trying to put together a timeline. But there's no strategic plan, and that's  
23 very much a function of a dysfunctional board. And until that core issue is addressed,  
24 we're going to continue to have these conversations and, in effect, go into circles. And you  
25 know, what I would also suggest is that potential mediation and intervention are not going  
26 to get you anywhere. And I'm just saying that as a student of human behavior. And it  
27 would seem to me that Gene's description of a divorce without a trial separation period is  
28 probably somewhat of an apt description, but I'm of the mindset that it's really gone  
29 beyond that intervention, and it really is time to play some hardball and to either legislate  
30 or litigate. And I don't make any excuses in my saying that, simply because really the  
31 livelihood, the vitality of communities is what we're talking about here. It's on the line, and  
32 we're going to have to force a conversation about responsibility. And the only way to  
33 address the kind of dysfunction that we're talking about here today is, again, not to  
34 intervene in stages and give parties opportunity to take small steps and not to set  
35 boundaries. What really needs to happen is, we need to create a new equation. And  
36 again, in my mind, the only way we're going to do that is to really forget about striking a  
37 balance. I think we're just going to have to go forward and push ahead, and I think the  
38 only way we're going to be able to do that is to force, again, either a legislative fix or a  
39 litigation option. I really believe that very, very strongly. You know, I get a lot of calls about  
40 social services, but I get a lot of calls from Roger's constituents that live right near me on  
41 Tilden Lane, and it's very clear to me that River Road is going to happen again. And we



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1 don't want that to happen, because next time we might not be so lucky, and there might  
2 be a loss of life.

3  
4 GENE COUNIHAN:

5 If I may, I would caution that we do have an operational strategic plan.

6  
7 COUNCILMEMBER TRACHTENBERG:

8 Well, you do, but in the sense that you don't have it agreed to by the board, and you don't  
9 have a timeline of investment that are publicly committed to. That's really what I'm talking  
10 about. In other words, yes, you have a general strategy, and you've been here several  
11 times to discuss that, but you haven't necessarily had a really durable commitment by the  
12 board collectively to really act on that strategic plan.

13  
14 GENE COUNIHAN:

15 We have a hard time remaining focused--consistently.

16  
17 COUNCILMEMBER TRACHTENBERG:

18 I understand that, and I don't mean being hard to you, but I really am saying what I'm  
19 saying deliberately because I guess, you know, setting boundaries is part of what I think  
20 needs to be accomplished here, and sometimes you can't do that by speaking nicely.  
21 Sometimes you do have to be a little harsh.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 Well, thank you all. I think the key now is to find a way to get the action that we need to  
25 meet the needs of the public for a continued system that provides safe water service.  
26 That's what the public rightly cares about. That's what we all need to keep our eye on and  
27 find a way to make happen. And I appreciate you all being here this afternoon, and get  
28 home safely, and we will see you again soon.

29  
30 TERESA DANIELL:

31 Thank you very much.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 Thank you.